



MESSAGES OF THE PRESIDENT
FIDEL V. RAMOS
1992-1998

BOOK 12 | VOLUME 5
Administrative Orders Part 1



President Fidel V. Ramos, Twelfth President of the Philippines
and Second President of the Fifth Republic.



MESSAGES OF THE PRESIDENT
FIDEL V. RAMOS
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BOOK 12 | VOLUME 5
Administrative Orders Part 1

Messages of the President Book 12: Fidel V. Ramos

Volume 5 Part 1

Presidential Communications Development and Strategic Planning Office

<http://www.gov.ph>

<http://www.malacanang.gov.ph>

<http://www.pcdspo.gov.ph>

ISBN 978-621-8032-17-0

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Published exclusively by

The Presidential Communications Development
and Strategic Planning Office

Office of the President of the Philippines

3/F New Executive Building,

Malacañan Palace, San Miguel, Manila

Tel.: 736-0719, 736-0718

Fax no.: 736-6167

Website: <http://www.pcdspo.gov.ph>

Book design by the Presidential Communications
Development and Strategic Planning Office

Published in the Philippines.

The National Library of the Philippines CIP Data

Recommended entry:

Philippines. President (Ramos: 1992-1998)

Messages of the President: Fidel V. Ramos, 1992-1998, Book 12,
Volume 5, Administrative Orders Part 1 / Presidential Communications
Development and Strategic Planning Office. – Manila: Presidential
Communications Development and Strategic Planning Office, 2016.

pages; cm

ISBN 978-621-8032-17-0

Contents: vol. 1. Official Week and Month in Review – vol. 2.
Appointments and Designations – vol. 3. Historical Documents and
Papers – vol. 4. Executive Orders – vol.5. Administrative Orders – vol. 6.
Proclamations – vol. 7. Other Issuances – vol. 8. Cabinet Minutes.

1. Ramos, Fidel V., President – Philippines – 1992-1998.

2. Presidents – Messages – Philippines. 3. Philippines – Politics and
government – 1992-1998. I. Title.

The Messages of the President Book 12: Fidel V. Ramos Volume 5 Part 1 was compiled and published by the Presidential Communications Development and Strategic Planning Office in May 2016 in Manila, Philippines.

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Volume 5 Part 1

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INTRODUCTION

As the President's chief message-crafting body, the Presidential Communications Development and Strategic Planning Office (PCDSPO), is mandated to provide strategic communication leadership and support to the Executive Branch, its composite agencies, and instrumentalities of government.

The PCDSPO is also mandated to act as custodian of the institutional memory of the Office of the President. One of our projects is the continuation of the series of books called the Messages of the President, started in 1936 by Jorge B. Vargas, Executive Secretary to President Manuel L. Quezon. The series was a wide collection of executive issuances, speeches, messages, and other official papers of the President. The volumes were intended to serve as the definitive compilation of presidential documents. The series was continued until the Quirino administration, although the series for the Presidential administrations of Presidents Quezon, Roxas, and Quirino were never completed.

In 2010, President Benigno S. Aquino III ordered the revival of the series and the constitution of a complete set, covering all 15 presidential administrations. With pride, we continue what Vargas began.

We would like to extend our gratitude to our partners for without whose gracious cooperation, this project would have not been possible.

A note on organization: Each presidential administration's messages are in book form, compiled and subdivided into volumes. The books are as follows:

- Book 1: Emilio Aguinaldo
- Book 2: Jose P. Laurel
- Book 3: Manuel L. Quezon
- Book 4: Sergio Osmeña
- Book 5: Manuel Roxas
- Book 6: Elpidio Quirino
- Book 7: Ramon Magsaysay
- Book 8: Carlos P. Garcia
- Book 9: Diosdado Macapagal
- Book 10: Ferdinand E. Marcos
- Book 11: Corazon C. Aquino
- Book 12: Fidel V. Ramos
- Book 13: Joseph Ejercito Estrada
- Book 14: Gloria Macapagal-Arroyo
- Book 15: Benigno S. Aquino III

Each book is subdivided into the following volumes:

- Volume 1: Official Week/Month in Review
 - Volume 2: Appointments and Designations
 - Volume 3: Historical Papers and Documents
 - Volume 4: Executive Orders
 - Volume 5: Administrative Orders
 - Volume 6: Proclamations
-

Volume 7: Other issuances

Volume 8: Cabinet minutes

We hope that this collection will be a useful and vital reference for generations to come.

PREFACE

On July 30, 2010, President Benigno S. Aquino III issued Executive Order No. 4, which effectively renamed what was previously called the Malacañang Museum into the Presidential Museum and Library (PML) and placed it under the supervision and control of the Presidential Communications Development and Strategic Planning Office (PCDSPO). The PML is responsible for preserving, managing, and promoting the history and heritage of the Philippine presidency. It is the principal historical and artistic repository in support of the institution of the presidency, for the benefit of the Republic and the Filipino people. In partnership with the PCDSPO, which has pioneered the publication of the Official Gazette of the Republic of the Philippines as a web archive and information website, the PML has taken this mandate and placed it on the cutting edge of the information age.

Much has been done over the past years, under the administration of President Aquino III, to digitize executive issuances, speeches, letters, and other presidential papers; and publish them online. The project is not limited to a single administration, nor does it discriminate. This collection, published as databases, as well as print and e-publications, includes documents from the presidency of Emilio Aguinaldo to the current Aquino administration. This represents the government's allegiance to transparency, continuity, and the fostering of an informed citizenry, as well as an effort, in earnest, to preserve the institutional memory of the Presidency. All this was done not just for the posterity, but for the current generation and the ongoing task of nation building.

The PML are proud partners of the Official Gazette and PCDSPO team, to whom we made the collections available. We sincerely hope that this series will serve as a vital reference to educators, students, journalists, lawyers, historians, and the public at large.

FOREWORD

This is the fifth volume of President Fidel V. Ramos' official papers, which constitutes the 12th book of the Messages of the President series. The series was started in 1936 by Executive Secretary Jorge B. Vargas, during the first year in office of Manuel L. Quezon, the first President of the Commonwealth of the Philippines. This volume collects President Ramos' Administrative Orders, which relate to particular aspects of governmental operations in pursuance of the President's duties as administrative head of the Executive Department.

BOOK 12

PRESIDENT FIDEL V. RAMOS

President Fidel V. Ramos was the twelfth President of the Philippines and was the second President of the fifth Republic. He assumed office on June 30, 1992 and was President until June 30, 1998.

The Executive Issuances of President Fidel V. Ramos began with Executive Order No. 1 and Memorandum Circular No. 1, signed on June 30, 1992 and ended with Proclamation No. 1266 that was signed on June 27, 1998.

President Fidel V. Ramos' documents were gathered from its official sources such as the Official Gazette of the Philippines; Malacañang Records Office's Book of Executive Issuances; SONA Technical Report; To Win the Future: People Empowerment for National Development; A Call to Duty; Citizenship and Civic Responsibility in a Third World Democracy; Time for Takeoff: The Philippines is ready for Competitive Performance in the Asia-Pacific; From Growth to Modernization: Raising the Political Capacity and Strengthening the Social Commitments of the Philippine State; Our Time has Come: The Goals we Set Ourselves to Obtain for our People are Now Within our Reach; Leadership for the 21st Century: Our Labors Today will Shape our Country's Future; The Continuity of Freedom: A Democratic and Reformist Society is our Unique Competitive Advantage; and Developing as a Democracy: Reform and Recovery in the Philippines, 1992-1998.

The American Psychological Association (APA) style was used for the citation. The titles that have been provided by the researchers are enclosed in square brackets, considering that the exact wordings and its order were not verbatim from the document being described. Book titles are italicized while the speech titles are not. If in any case that the book title is the same as the title of the speech, it is transcribed in italics because it is the book title.

CONTENTS

Introduction	9
Preface	11
Foreword	13
Research Notes	15
Administrative Orders	21
• Administrative Order Nos. 1 - 2	26
• Administrative Order Nos. 3 - 4	30
• Administrative Order Nos. 5 - 6	34
• Administrative Order Nos. 7 - 8	38
• Administrative Order Nos. 9 - 10	42
• Administrative Order Nos. 11 - 12	46
• Administrative Order Nos. 13 - 14	48
• Administrative Order Nos. 15 - 16	53
• Administrative Order Nos. 17 - 18	56
• Administrative Order Nos. 19 - 20	61
• Administrative Order Nos. 21 - 22	65
• Administrative Order Nos. 23 - 24	68
• Administrative Order Nos. 25 - 26	78
• Administrative Order Nos. 27 - 28	83
• Administrative Order Nos. 29 - 30	87
• Administrative Order Nos. 31 - 32	94
• Administrative Order Nos. 33 - 34	99
• Administrative Order Nos. 35 - 36	105
• Administrative Order Nos. 37 - 38	109
• Administrative Order Nos. 39 - 40	118
• Administrative Order Nos. 41 - 42	124
• Administrative Order Nos. 43 - 44	131
• Administrative Order Nos. 45 - 46	135
• Administrative Order Nos. 47 - 48	139
• Administrative Order Nos. 49 - 50	142
• Administrative Order Nos. 51 - 52	146
• Administrative Order Nos. 53 - 54	151
• Administrative Order Nos. 55 - 56	155
• Administrative Order Nos. 57 - 58	158
• Administrative Order Nos. 59 - 60	163
• Administrative Order Nos. 61 - 62	170
• Administrative Order Nos. 63 - 64	176
• Administrative Order Nos. 65 - 66	181
• Administrative Order Nos. 67 - 68	188
• Administrative Order Nos. 69 - 70	193
• Administrative Order Nos. 71 - 72	198

• Administrative Order Nos. 73 - 74	202
• Administrative Order Nos. 75 - 76	206
• Administrative Order Nos. 77 - 78	210
• Administrative Order Nos. 79 - 80	215
• Administrative Order Nos. 81 - 82	219
• Administrative Order Nos. 83 - 84	225
• Administrative Order Nos. 85 - 86	229
• Administrative Order Nos. 87 - 88	234
• Administrative Order Nos. 89 - 90	238
• Administrative Order Nos. 91 - 92	243
• Administrative Order Nos. 93 - 94	248
• Administrative Order Nos. 95 - 96	257
• Administrative Order Nos. 97 - 98	266
• Administrative Order Nos. 99 - 100	273
• Administrative Order Nos. 101 - 102	277
• Administrative Order Nos. 103 - 104	281
• Administrative Order Nos. 105 - 106	284
• Administrative Order Nos. 107 - 108	290
• Administrative Order Nos. 109 - 110	297
• Administrative Order Nos. 111 - 112	301
• Administrative Order Nos. 113 - 114	305
• Administrative Order Nos. 115 - 116	307
• Administrative Order Nos. 117 - 118	311
• Administrative Order Nos. 119 - 120	320
• Administrative Order Nos. 121 - 122	325
• Administrative Order Nos. 123 - 124	330
• Administrative Order Nos. 125 - 126	335
• Administrative Order Nos. 127 - 128	340
• Administrative Order Nos. 129 - 130	346
• Administrative Order Nos. 131 - 132	353
• Administrative Order Nos. 133 - 134	360
• Administrative Order Nos. 135 - 136	362
• Administrative Order Nos. 137 - 138	365
• Administrative Order Nos. 139 - 140	369
• Administrative Order Nos. 141 - 142	374
• Administrative Order Nos. 143 - 144	377
• Administrative Order Nos. 145 - 146	382
• Administrative Order Nos. 147 - 148	386
• Administrative Order Nos. 149 - 150	389
• Administrative Order Nos. 151 - 152	391
• Administrative Order Nos. 153 - 154	403
• Administrative Order Nos. 155 - 156	432
• Administrative Order Nos. 157 - 158	439
• Administrative Order Nos. 159 - 160-C	442
• Administrative Order Nos. 161 - 162	450
• Administrative Order Nos. 163 - 164	455

• Administrative Order Nos. 165 - 166	461
• Administrative Order Nos. 167 - 168	465
• Administrative Order Nos. 169 - 170	469
• Administrative Order Nos. 171 - 172-A	474
• Administrative Order Nos. 173 - 174	481
• Administrative Order Nos. 175 - 176	484
• Administrative Order Nos. 177 - 178	489
• Administrative Order Nos. 179 - 180	496
• Administrative Order Nos. 181 - 182	500
• Administrative Order Nos. 183 - 184	503
• Administrative Order Nos. 185 - 186	509
• Administrative Order Nos. 187 - 188	514
• Administrative Order Nos. 189 - 190	517
• Administrative Order Nos. 191 - 192	520
• Administrative Order Nos. 193 - 194	524
• Administrative Order Nos. 195 - 196	529
• Administrative Order Nos. 197 - 198	534
• Administrative Order Nos. 199 - 200	537
• Administrative Order Nos. 201 - 202	542



President Fidel V. Ramos presiding over the 15th regional cabinet meeting
in Masbate, Masbate, October 8, 1996.



MESSAGES OF THE PRESIDENT

FIDEL V. RAMOS

1992-1998

BOOK 12 | VOLUME 5

Administrative Orders Part 1



President Fidel V. Ramos dispersing tilapia fingerlings at Pulong Parang Dam,
Santa Cruz, Marinduque, May 21, 1996.

ADMINISTRATIVE ORDERS

An Administrative Order relates to particular aspects of governmental operations in pursuance of the President's duties as administrative head of the Executive Department. The Administrative Orders of President Fidel V. Ramos began on July 14, 1992 with Administrative Order No. 1 and ended on June 26, 1998 with Administrative Order No. 407.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 1

REQUIRING ALL MEMBERS OF THE CABINET, THE UNDERSECRETARIES AND ASSISTANT SECRETARIES TO RESIGN FROM ALL PRIVATE OFFICES AND EMPLOYMENT AND TO DIVEST THEIR SHAREHOLDINGS OR INTEREST IN PRIVATE CORPORATIONS OR BUSINESSES IN CASE OF CONFLICT OF INTEREST IN THE CONDUCT OF THEIR OFFICE

WHEREAS, the Constitution expressly prohibits members of the Cabinet, their deputies and assistants (the “Cabinet Officials”) from holding, unless otherwise provided in the Constitution, any other office or employment in the government or in the private sector;

WHEREAS, the Constitution mandates that Cabinet Officials shall strictly avoid conflict of interest in the conduct of their office;

WHEREAS, R.A. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials And Employees, requires all public officials to divest their shareholdings or interest in any particular corporation or business in case a conflict of interest, as defined therein, arises;

WHEREAS, as public servants, all Cabinet Officials must conduct themselves with utmost honesty and integrity;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. **Resignation from Private Offices.** All Cabinet Officials who are directors, officers, managers, partners, employees or consultants of private corporations, partnerships, or other business enterprises, must resign their position as director, officer, manager, partner, employee or consultant immediately upon, but in no case later than thirty (30) days from, assuming public office. This requirement applies whether or not a conflict of interest exists between the Cabinet Officials’ duties and their interests in such private corporations, partnerships or other business enterprises.

Section 2. **Divestment.** All Cabinet Officials who own, directly, or indirectly substantial shareholdings sufficient to elect at least one director in any private corporation, or who may directly or indirectly own any interest in any business enterprise, must divest their shareholdings or interest in said corporation or business enterprise not later than sixty (60) days from the time a conflict of interest arises, or when it becomes reasonably apparent that their rights and duties as stockholders or owners are opposed to or may affect the faithful performance of their official duties.

Section 3. **Transfer of Title.** Divestment made in compliance with Section 2 must result in the complete and actual transfer of title and beneficial ownership over the shares of stock or business interest, without any obligation or option on the part of the Cabinet Official to re-acquire such shares or business interest in the future.

Section 4. **Transferees.** Divestment may be made only to persons other than the Cabinet Official’s spouse or relatives within the fourth civil degree of consanguinity or affinity.

Section 5. **Full Disclosure.** The Cabinet Officials shall submit duly certified copies of the letters of resignation or instruments of divestment required under this Administrative Order, within the period mentioned in Section 2, to the Head of the Presidential Management Staff. Said instruments of

divestment must indicate the extent of the shareholdings or business interest, the consideration or price involved, the terms and conditions of the sale or disposition, the proof of payment, the name of the transferee, and the date of the divestment.

The Head of the Presidential Management Staff shall, upon receipt of the letters of resignation or instruments of divestment, collate, summarize and prepare a report of the information contained therein which may be released upon request to concerned bodies and offices. Said report shall likewise be made available to the public in accordance with, and subject to the same requirements set in Section 3, Rule VII of the Implementing Rules on the Code of Conduct And Ethical Standards For Public Officials And Employees.

Section 6. Honorary Officials. The requirements under this Administrative Order shall not apply to those who serve the government in an honorary capacity, without any pay or remuneration.

Section 7. Effectivity. This Administrative Order shall take effect immediately.

Done in the City of Manila, Philippines, this 14th day of July, in the year of our Lord, nineteen hundred and ninety two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) PETER D. GARRUCHO, JR.

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 2

DIRECTING THE DIRECTOR GENERAL OF THE NATIONAL SECURITY COUNCIL
TO REVITALIZE THE NATIONAL SECURITY COUNCIL AND THE INTELLIGENCE
COMMUNITY AND TO REORIENT THEIR ACTIVITIES TOWARDS ATTAINING BROADER
NATIONAL GOALS

WHEREAS, national security and political stability continue to be our country's gravest problem, impeding and imperilling our efforts at national development;

WHEREAS, our problems of national security and stability *cannot* be resolved by military action alone, but require the active integration and coordination of development and peace-oriented initiatives;

WHEREAS, the restoration of political stability and the enhancement of economic development are interdependent, requiring the vigorous participation and support of all the departments and agencies of Government;

WHEREAS, political stability and economic development are essential to the success of the Government's program to empower the people and raise the quality of their lives;

WHEREAS, many national intelligence communities worldwide are reassessing and realigning their priorities and capabilities in the light of reduced political and military tensions and heightened global trade, as well as commercial and technological competition;

WHEREAS, the formulation of integrated plans and policies on matters affecting national security and political stability is entrusted mainly to the National Security Council (NSC), supported by the Intelligence Community;

WHEREAS, the NSC and the Intelligence Community must be strengthened, to meet the altered and increasing requirements of the national leadership for information and advise to guide it in policy-making on matters affecting national security, political stability and economic progress;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order and direct the Director General of the National Security Council to revitalize the National Security Council and the Intelligence Community and to reorient their activities towards attaining broader national goals consistent with the following directives and guidelines:

1. Reorientation of the Intelligence Community. The NSC Director General shall undertake measures to reorient the National Security Council and the Intelligence Community from its limited concern with political and military threats to broader national goals including social and economic development. Said measures should include provisions for assistance to other departments and agencies of the government in its efforts towards improving the nation's economic and trade prospects, its access to markets and technologies, and its transformation into a newly-industrialized country by the end of this century.

2. Upgrading the NSC Secretariat. The NSC Director General shall upgrade the capability of the NSC Secretariat. Towards this end he may engage the services of specialists and experts in the field of national security, international affairs and strategic studies.

3. **Advisory Functions of the NSC Director General.** Upon recommendation of the National Intelligence Board, the NSC Director General shall submit to the President proposed legislation and Presidential issuances pertaining to national security and political stability. He shall prioritize studies and proposals on the following:

- (a) Professionalization of the national security and intelligence services; and
- (b) Establishment of an autonomous and independent institution that will conduct strategic and international research and studies for use by both the private and public sector in its policy-making efforts.

4. **Assistance to Other Agencies.** The NSC Director General shall extend, upon request of the department and agency head concerned, whatever assistance the other departments and agencies of the government may require to develop their capabilities for gathering data vital to policy-making and to safeguard their facilities, personnel, property and records.

5. **Supervision and Control over the National Intelligence Coordinating Agency.** The NSC Director General shall implement Administrative Order No. 149, issued on December 20, 1989, and ensure that the Intelligence Community judiciously use its limited funds and other resources to collect, evaluate and interpret information on the various obstacles to, and opportunities for, attaining national goals. Acting for and on behalf of the President, he shall assume supervision and control over the activities of the National Intelligence Coordinating Agency (NICA) and preside over the meetings of the National Intelligence Board (NIB), whose members and operating procedures he shall prescribe.

6. **Effectivity.** This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 24th day of July, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) PETER D. GARRUCHO, JR.

Acting Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 3
ATTACHING THE NATIONAL ELECTRIFICATION ADMINISTRATION TO THE OFFICE OF
THE PRESIDENT

WHEREAS, the Office of the President has the continuing power to reorganize, as authorized by the Administrative Code of 1987;

WHEREAS, the National Electrification Administration, an attached agency of the Department of Environment and Natural Resources, is involved in the electrification of rural communities;

WHEREAS, there is urgent need to strengthen the administrative supervision of the Office of the President over agencies involved in energy;

NOW, THEREFORE, I FIDEL RAMOS, President of the Philippines, by virtue of the power vested in me by the Constitution and existing laws, do hereby decree:

1. The National Electrification Administration is hereby attached to the Office of the President;
2. The NEA shall continue to exercise its powers and functions, as expressed in existing laws;
3. This Administrative Order shall take effect immediately.

7 August 1992

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) PETER D. GARRUCHO, JR.

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER 4

DESIGNATING A NEGOTIATING PANEL ON THE BATAAN NUCLEAR POWER PLANT,
AUTHORIZING IT TO NEGOTIATE THE TERMS OF CERTAIN AGREEMENTS WITH
WESTINGHOUSE ELECTRIC CORPORATION UNDER DIRECTION AND SUPERVISION
OF THE CHAIRMAN, PRESIDENTIAL COMMITTEE ON THE BATAAN NUCLEAR POWER
PLANT, AND FOR OTHER PURPOSES

WHEREAS, the question of whether or not to operate the Bataan Nuclear Power Plant (hereinafter “BNPP”) as a nuclear facility is a long standing national issue on which a final and definite decision should be made as early as possible;

WHEREAS, the decision should be based on a national consensus arrived at through national debate on major aspects of the issue;

WHEREAS, the Republic of the Philippines and National Power Corporation are plaintiffs, and Westinghouse Electric Corporation, with its affiliates (hereinafter “Westinghouse”), and Burns & Roe are defendants in Civil Action No. 88-5150 (DRD) before the United States District Court for New Jersey in the United States of America (hereinafter “Lawsuit”);

WHEREAS, the Republic of the Philippines, National Power Corporation, Westinghouse and Burns & Roe are also parties to an arbitration proceeding docketed as Case No. 6401/BGD before the International Court of Arbitration of the International Chamber of Commerce (ICC) in Switzerland (hereinafter “Arbitration”);

WHEREAS, in connection with the Lawsuit and Arbitration, the Republic of the Philippines, Westinghouse and Burns & Roe entered into a Conditional Settlement Agreement on March 4, 1992, and later on submitted it before the aforesaid U.S. District Court with a manifestation of their intention to proceed to implement the same;

WHEREAS, the Republic of the Philippines, Westinghouse and Burns & Roe further manifested their intention to negotiate in good faith a Pre-Operation and Upgrade Contract, Operation and Maintenance Contract and a final and definitive Settlement Agreement, within 180 days, ending on September 4, 1992; and should the terms and conditions thereof be satisfactory and acceptable, the Republic shall agree to release and settle all claims against Westinghouse and Burns & Roe, and join in moving to dismiss, with prejudice, the Lawsuit and Arbitration;

WHEREAS, the parties have been negotiating in good faith since March 4, 1992 on the safety issues and commercial terms associated with the Conditional Settlement Agreement;

WHEREAS, in order to continue these negotiations under the new administration, the Government deems it advisable to formally establish a Negotiating Panel;

NOW, THEREFORE, I FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Designation of Negotiating Panel - A Negotiating Panel (hereinafter “Panel”) on the Bataan Nuclear Power Plant is hereby designated to negotiate with Westinghouse, the terms and conditions of three agreements, namely, a Settlement Agreement, the Upgrade and Pre-Operations

Work Contract, and the Operation and Maintenance Contract (hereinafter “Agreements”), within the framework of the Conditional Settlement Agreement, under whose terms:

- a) Westinghouse shall make certain payments and provide certain discounts and credits to the Government in amounts at least equal to those stipulated in the Conditional Settlement Agreement of March 4, 1992;
- b) Westinghouse will repair and upgrade the BNPP to bring up the plant to current standards of the U.S. Nuclear Regulatory Commission, and at the same time establish the operations organization and provide for training and certification of plant operators;
- c) Westinghouse will operate and maintain the BNPP for a period not exceeding thirty years; during which period, Westinghouse shall train Filipinos to take over BNPP operation, management and engineering;
- d) The parties will release, settle, and discharge all claims, disputes and causes of action asserted against each other.

SEC. 2. Composition - The Chairman and Members of the Panel shall be composed of the following:

Vicente T. Paterno	– Chairman
Ceferino L. Folloso	– Member
Sedfrey A. Ordonez	– Member
Meneleo J. Carlos, Jr.	– Member
Jaime L. Guerrero	– Member

SEC. 3. Negotiating Mandate - The Panel shall, from among the proposals of Westinghouse for the aforesaid three agreements, negotiate for the terms and conditions which would best meet the country’s requirements. In the event the terms and conditions offered for one or more of the agreements cited in Section 1 hereof are deemed inadequate, the Panel may negotiate for other alternative forms of commercial settlement with Westinghouse.

Upon completion of the negotiation, the Panel shall submit its recommendation to the Office of the President, through the Chairman of the Presidential Committee on the Bataan Nuclear Power Plant, whether, in their judgment, the BNPP, when repaired and upgraded according to the Agreements, would be adequately safe and reliable, and the economic terms and conditions as negotiated pose sufficiently substantial net benefits to the country to warrant their final approval and execution by the Government in conformity with existing Philippine laws.

The proposed Agreements as negotiated by the Panel may be referred by the Office of the President to Congress for consultation. Subject to the direction and guidance of the President, through the Chairman of the Presidential Committee on the Bataan Nuclear Power Plant, and within the constraints of confidentiality imposed by the sub judice nature of the negotiations, the Panel shall keep duly designated members of Congress apprised of the nature and progress of its negotiations.

SEC. 4. Supervision - The Panel shall report to and be subject to the direction and supervision of the Chairman of the Presidential Committee on the Bataan Nuclear Power Plant.

SEC. 5. Compensation - The Members of the Panel shall not receive any compensation for their services other than reimbursement for expenses incurred in exercising its mandate.

SEC. 6. Secretariat, Technical and Legal Assistance - The Panel shall receive Secretariat, technical and legal assistance from the Presidential Committee on the Bataan Nuclear Power Plant, supplemented by resource persons from the Department of Finance, National Power Corporation and Philippine National Oil Company and other appropriate government agencies as the negotiating panel may need.

SEC. 7. Funding - The Negotiating Panel shall receive funding from the Presidential Committee on the Bataan Nuclear Power Plant, supplemented as required by the National Power Corporation and Philippine National Oil Company.

SEC. 8. Termination - The designation of the Panel shall automatically terminate upon the conclusion of its mandate.

SEC. 9. Effectivity - This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 19th day of August, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) DIONISIO C. DE LA SERNA

Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 5
IMPLEMENTING SECTION 48, GENERAL PROVISIONS OF THE GENERAL
APPROPRIATIONS ACT OF 1992, FOR THE SCALING DOWN OF INSPECTION ACTIVITIES IN
THE PROFESSIONAL REGULATIONS COMMISSION

WHEREAS, the Professional Regulation Commission has not undergone any restructuring since 1973 when it was first organized by virtue of Presidential Decree No. 223;

WHEREAS, the Commission has since expanded its operations over the last eighteen years of its existence;

WHEREAS, the need for a more responsive administrative and financial services group exists to cope with the increasing and growing complexities of the Commission's activities and functions;

WHEREAS, limited government resources has rendered imperative the scaling down of the Commission's ocular inspection activities of industrial, mechanical, electrical or chemical plants or works where registered practitioners are employed in areas where it is not deemed economical to conduct separate inspection activities;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Professional Regulation Commission shall limit the conduct of purely inspection activities by members of the different boards to only the National Capital Region and Regions I to IV in view of the concentration of facilities where regulated practitioners are employed in these areas.

SEC. 2. Inspection activities in Region V to XII shall be done simultaneous with the holding of licensure examinations in said areas to cut down on travelling expenses while at the same time ensuring that inspection activities are likewise performed in these places by Board members.

SEC. 3. Savings to be generated from the scaling down of PRC's inspection activities in the amount of ₱184,974.00 shall be utilized for the creation of an Office of Financial and Administrative Service to be headed by a Director II.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 1st day of September, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) DIONISIO C. DE LA SERNA
Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

**Office of the President
of the Philippines
Malacañang**

ADMINISTRATIVE ORDER NO. 6

**MODIFYING ADMINISTRATIVE ORDER NO. 289, DATED JUNE 4, 1992, CONCERNING
SUPERINTENDENT LEONORA O. BASALO OF THE CITY SCHOOL DIVISION OF
DUMAGUETE CITY**

This refers to the motion of Ms. Leonora O. Basalo, Superintendent of the City Schools Division of Dumaguete City, thru counsel, for reconsideration of Administrative Order No. 289, dated June 4, 1992, suspending her for one (1) year for simple misconduct and conduct prejudicial to the best interest of the service, on the grounds that:

“1. The respondent raised the issue on the legality and constitutionality of the Administrative Proceedings No. 1991-1 the same being violative of your Excellency’s Memorandum dated August 7, 1991. This substantive issue was not passed upon in Administrative Order No. 289;

“2. The Administrative Order pre-empted a prejudicial question which is subject of Civil Case No. 10159 now pending with the RTC, Branch 39 of Dumaguete City, Region VII;

“3. The Administrative Case, was not viewed in its entirety particularly the documentary evidence, but gave premium to unfounded insinuations;

“4. The Administrative Order violates the right to due process because it was made ‘effective upon notice hereof.’”

Anent the first issue, respondent challenged Administrative Proceedings No. 1991-1 because the motu proprio administrative complaint of June 18, 1991, was addressed by the then Secretary of Education, Culture and Sports to respondent, not to the Executive Secretary as required in the Executive Secretary’s Memorandum of August 17, 1990.

Respondent’s argument is not well-taken. It is true that, per the Executive Secretary’s Memorandum of August 17, 1990, in administrative case/complaints wherein the Secretary of Education, Culture and Sports is the direct/immediate complainant, the complaint should be filed directly with this Office; and that the motu proprio administrative complaint of June 18, 1991, and the formal answer of respondent of July 27, 1991, were made during the effectivity of the Executive Secretary’s Memorandum of August 17, 1990.

However, on August 7, 1991, the Executive Secretary promulgated the revised rules of administrative proceedings wherein the Secretary of Education, Culture and Sports was authorized to file appropriate formal proceedings against erring subordinates without the previous requirement that the motu proprio administrative complaint be filed with this Office. Hence, the Secretary of Education, Culture and Sports, instead of referring the complaint and answer to this Office, created an Investigating Committee on August 27, 1991, in accordance with the Executive Secretary’s Memorandum of August 7, 1991.

It will thus be appreciated that respondent's substantive and procedural rights were not violated. In fact, the Investigating Committee required respondent to answer the complaint on August 27, 1991, and respondent answered on September 16, 1991. Thereafter, formal hearings commenced with due observance of the requirements of due process. Accordingly, and insofar as the first issue is concerned, this Office finds no irregularity in Administrative Proceedings No. 1991-1.

With respect to the second issue, suffice it to state that the Regional Trial Court of Dumaguete City did not issue any restraining order or mandatory injunction against this Office in Civil Case No. 10159, entitled "Leonora O. Basalo, petitioner, vs. Hon. Franklin Drilon, et al., respondents," for annulment of proceedings, prohibition, with preliminary injunction or restraining order. At any rate, respondent is a presidential appointee subject to the administrative disciplinary authority of the President, which authority is being exercised in this administrative case.

Regarding the third issue, this Office finds, after careful restudy, that the findings of the Investigating Committee and the Secretary of Education, Culture and Sports are supported by the evidence on record.

Concerning the fourth issue, respondent alleged a denial of due process because Administrative Order No. 289 was made "effective upon notice thereof". There was no denial of due process. However, as a matter of procedure, Administrative Order No. 289 should have been made final and executory fifteen (15) days after receipt of a copy thereof by respondent pursuant to Book VII, Section 15, of the 1987 Administrative Code.

Finally, respondent claims that the penalty of suspension for one (1) year for the offense of simple misconduct is excessive. Actually, the offense is simple misconduct and conduct prejudicial to the best interest of the service. However, considering that this is respondent's first offense, this Office is inclined to be compassionate by reducing the penalty of suspension for six (6) months by modifying Administrative Order No. 289, dated June 4, 1992.

WHEREFORE, Administrative Order No. 289, dated June 4, 1992, is hereby modified in the sense that Superintendent Leonora O. Basalo of the City Schools Division of Dumaguete City is hereby meted the penalty of suspension to six (6) months, effective fifteen (15) days after receipt of a copy of this Order by respondent.

DONE in the City of Manila, this 1st day of September, in the year of Our Lord, nineteen hundred and ninety-two.

By authority of the President:
(Sgd.) **DIONISIO C. DE LA SERNA**
Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 7
CREATING THE PRESIDENTIAL TASK FORCE ON YOUTH AFFAIRS

WHEREAS, the Presidential Council for Youth Affairs (PCYA) was created by virtue of Executive Order No. 274, dated 25 July 1987 to serve as the direct link of the youth to government in policies and programs affecting the youth;

WHEREAS, Section 2 of Executive Order No. 274 provides that the Chairman and members of the Council shall serve at the pleasure of the President;

WHEREAS, there is a need to reconstitute the PCYA to ensure the youth's more meaningful participation in nation building and to align the PCYA's thrusts with the objectives of the present administration;

WHEREAS, the smooth transition of the functions and responsibilities of the Council requires the creation of an interim body such as a task force so as not to jeopardize the functions and activities of the PCYA.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, do hereby order:

SECTION 1. Creation of the Task Force on Youth Affairs. There is hereby created the Presidential Task Force on Youth Affairs herein referred to as the Task Force.

Sec. 2. Duties and Responsibilities. The Task Force shall undertake the following duties and responsibilities:

- a. Assist the PCYA in the formulation of policies and programs necessary to involve the youth in more intensive and meaningful ways in community development and nation building;
- b. Conduct a review of the PCYA's performance, its on-going activities and plans, its structure and operations and to recommend appropriate changes to the President;
- c. Provide guidance and direction in the screening and selection process for the new membership of the PCYA Council, including the proposed Chairman, for the President's approval;
- d. Ensure a smooth transition from the old to the new PCYA Council.

Sec. 3. Composition. The Task Force shall be composed of the following:

Dir. Teodorico Imperial	– Chairman
Dir. Juan Miguel Luz	– Member
Mr. Ernani Braganza	– Member
Mr. Joseph Javier	– Member
Atty. Benjamin Paulino	– Member

Sec. 4. **On the PCYA.** In the interim period that the new Council members have not yet been designated, the existing PCYA Council members shall continue to dispose of their functions and responsibilities. The PCYA shall extend all necessary assistance to the Task Force to enable it to attain the objectives of this Administrative Order.

Sec. 5. **Tenure.** The Task Force shall submit all recommendations to the President within thirty (30) days from the signing of this Administrative Order. The Task Force shall be deemed abolished upon the designation by the President of the new PCYA Council members.

This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 4th day of September, in the Year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) DIONISIO C. DE LA SERNA

Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 8
CREATING A COMMITTEE ON THE DISPOSITION OF THE REAL PROPERTIES OF THE
REPUBLIC OF THE PHILIPPINES LOCATED ABROAD

WHEREAS, the Republic of the Philippines owns various real properties located abroad;

WHEREAS, some of these properties are lying idle and/or under-utilized;

WHEREAS, considering the scarce resources of the Government, the proceeds of the disposition of these properties could be used to finance important government programs, such as the Comprehensive Agrarian Reform Program, low cost housing and other poverty alleviation programs;

WHEREAS, it is necessary to create a group that shall formulate an action plan for the study and disposition of these properties;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Properties Committee. - There is hereby created a Properties Committee under the Office of the President to advise the President on the disposition of real properties owned by the Republic of the Philippines located abroad.

SEC. 2. Composition. - The Committee shall be composed of the Executive Secretary as Chairman, and the Secretaries of Foreign Affairs, Justice, Finance, Trade and Industry, and the Executive Trustee of the Assets Privatization Trust as members.

SEC. 3. Powers and Functions. - The Committee shall have, among others, the following powers and functions:

- a) To conduct an inventory of government-owned real properties located abroad;
- b) To review the studies prepared by the Japan Properties Committee, as well as its consultants, and other similar studies in connection with the planned disposition of these properties;
- c) To review the local and foreign laws and regulations governing these properties;
- d) To draft the necessary legislation to effect the disposition of any of these properties;
- e) To recommend to the President, after studies, an action plan for the disposition of each of these properties;
- f) To recommend the employment of local and foreign consultants to assist in carrying out its mandates; and
- g) To call upon any department, bureau, office, agency or instrumentality of the Government, including government-owned or controlled corporation, for assistance that it may require in the performance of its mandate.

SEC. 4. Technical/Secretariat Support. - The Presidential Management Staff shall provide technical and secretariat support to the Committee.

The Philippine Ambassador or Chief of Mission and his staff shall likewise extend technical support to the Committee when the real property/ies located in their post of assignment shall be affected by the Committee's study and planned disposition.

SEC. 5. Repealing Clause. - This Administrative Order repeals Administrative Order No. 3, dated August 11, 1986, as amended.

SEC. 6. Effectivity. - This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of September, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) DIONISIO C. DE LA SERNA

Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 9
CREATING AN AD-HOC COMMITTEE ON THE DISPOSITION OF IDLE PROPERTIES OF THE
PHILIPPINE GOVERNMENT LOCATED IN THE PHILIPPINES

WHEREAS, the Philippine Government, through its departments, bureaus, offices, agencies and instrumentalities, including government-owned or controlled corporations, owns various real properties throughout the country;

WHEREAS, some of these properties are lying idle and/or are underutilized;

WHEREAS, considering the scarce resources of the Government, the proceeds for the disposition of these properties could be used to finance important government programs, such as the Comprehensive Agrarian Reform Program, low cost housing and other poverty-alleviation programs;

WHEREAS, it is necessary to create a group that shall formulate an action plan for the study and disposition of these properties;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Ad-Hoc Committee. - There is hereby created an Ad-Hoc Committee under the Office of the President to advise the President on the disposition of real properties located in the Philippines and owned by the Government, through its departments, bureaus, offices, agencies and instrumentalities, including government-owned or controlled corporations.

SEC. 2. Composition. - The Committee shall be composed of the Executive Secretary as Chairman, and the Secretaries of Justice, Finance, Environment and Natural Resources, and the Chairman of the Housing and Land Use Regulatory Board as members.

SEC. 3. Powers and Functions. - The Committee shall have, among others, the following powers and functions:

- a) To conduct an inventory of real properties located in the Philippines and owned by the Government, through its departments, bureaus, offices, agencies and instrumentalities, including government-owned or controlled corporations;
- b) To review the studies prepared by the Inter-Agency Task Force on Integrated Planning of Government Lands in Metro Manila created under Memorandum Order No. 370, series of 1991;
- c) To study the problems regarding the development and disposition of government lands and assets in the country;
- d) To recommend to the President, after studies, an action plan for the disposition of each of these properties;
- e) To call upon any department, bureau, office, agency or instrumentality of the Government, including government-owned or controlled corporations, for assistance that it may require in the performance of its mandate.

SEC. 4. Technical/Secretariat Support. - The Presidential Management Staff shall provide technical and secretariat support to the Committee.

SEC. 5. Effectivity. - This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of September, in the year Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) DIONISIO C. DE LA SERNA

Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 10
DIRECTING THE USE OF THE ZIP CODE BY ALL GOVERNMENT AGENCIES, INCLUDING
GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS, TO ACHIEVE HIGHER
EFFICIENCY IN MAIL OPERATIONS

WHEREAS, a highly efficient postal service is a contributing factor to the economic, social and cultural development of any nation;

WHEREAS, the Philippine Postal Corporation (formerly the Postal Services Office) is mandated to improve the efficiency and reliability of the postal service thru the upgrading and mechanization of mail processing procedures, which requires among others the use of the postal Zip Code system;

WHEREAS, it is the policy of the national government to promote the adoption of new methods and technologies that would redound to better delivery of public services;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All government departments, bureaus, offices, agencies and instrumentalities, including government-owned or controlled corporations, shall adopt and implement the following measures:

- a. Include in all their official letterhead and envelopes the Postal Zip Code Number corresponding to their area;
- b. use the Zip Code in all their external correspondence; and
- c. Instruct and enjoin all their employees to use the Zip Code in their private mail and to promote the use of the same.

SEC. 2. The heads of all government agencies as mentioned in Section I shall issue the corresponding circular or guidelines within their respective agencies to implement the foregoing measures.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 16th day of September, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) DIONISIO C. DE LA SERNA
Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 11
AMENDING ADMINISTRATIVE ORDER NO. 99, DATED DECEMBER 1, 1988, ENTITLED
“CONSTITUTING AN INTER-AGENCY COMMITTEE TO UNDERTAKE A PROGRAM TO
IMPROVE THE INFRASTRUCTURE OF THE JUSTICE SYSTEM”

WHEREAS, Administrative Order No. 99, dated December 1, 1988, constituted an inter-agency committee headed by the Secretary of Justice to undertake the Justice System Infrastructure Program (JUSIP) for the construction and/or rehabilitation of court buildings and offices of judges, prosecutors, public attorneys, and probation and parole officers throughout the country.

WHEREAS, the offices of a number of Registries of Deeds have been provided spaces in some of the buildings constructed or to be constructed under JUSIP.

WHEREAS, there is a need to ensure the continued occupancy by Registries of Deeds of office spaces in JUSIP buildings to ensure the protection and preservation of land titles found in their vaults;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize Registries of Deeds to occupy or to continue to occupy office spaces assigned to them in buildings that have been constructed or will be constructed pursuant to building plans heretofore approved under the Justice System Infrastructure Program.

Administrative Order No. 99, dated December 1, 1988, is hereby amended accordingly.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 18th day of September, in the year of our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) DIONISIO C. DE LA SERNA

Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 12
EXTENDING THE LIFE OF THE PRESIDENTIAL TASK FORCE ON
BASES CONVERSION (SPECIAL OPERATIONS TEAM)

WHEREAS, pursuant to Administrative Order No. 187 dated July 27, 1992, a Special Operations Team has been constituted to attend to the preparation and initial implementation of the recommendation of the Legislative-Executive Bases Council addressed to and approved by the President of the Philippines;

WHEREAS, the Special Operations Team has been renamed Presidential Task Force on Bases Conversion;

WHEREAS, the said Presidential Task Force on Bases Conversion (Special Operations Team) has been tasked to continue to perform its functions until such time that a “Bases Conversion Development Authority” is organized and fully operational; and

WHEREAS, in view of the delay in the organization of the Bases Conversion Development Authority as to make it fully operational, it is necessary that the life of the Task Force on Bases Conversion (Special Operations Team) be further extended.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby extend the life of the Presidential Task Force on Bases Conversion (Special Operations Team) from October 1, 1992 to December 31, 1992.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 29th day of September, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) EDELMIRO A. AMANTE SR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 13
CREATING A PRESIDENTIAL AD HOC FACT-FINDING COMMITTEE ON BEHEST LOANS.

WHEREAS, Sec. 28, Article II of the 1987 Constitution provides that “Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest”;

WHEREAS, Sec. 15, Article XI of the 1987 Constitution provides that “The right of the state to recover properties unlawfully acquired by public officials or employees, from them or from their nominees or transferees, shall not be barred by prescription, laches, or estoppel”;

WHEREAS, there have been allegations of loans, guarantees, and other forms of financial accommodations granted, directly or indirectly, by government-owned or controlled bank or financial institutions, at the behest, command, or urging by previous government officials to the disadvantage and detriment of the Philippine Government and the Filipino people;

ACCORDINGLY, an “Ad-Hoc FACT-FINDING COMMITTEE ON BEHEST LOANS” is hereby created to be composed of the following:

Chairman of the Presidential Commission on Good Government	–	Chairman
The Solicitor-General	–	Vice Chairman
Representative from the Office of the Executive Secretary	–	Member
Representative from the Department of Finance	–	Member
Representative from the Department of Justice	–	Member
Representative from the Development Bank of the Philippines	–	Member
Representative from the Philippine National Bank	–	Member
Representative from the Asset Privatization Trust	–	Member
Government Corporate Counsel	–	Member
Representative from the Philippine Export and Foreign Loan Guarantee Corporation	–	Member

The Ad-Hoc Committee shall perform the following functions:

1. Inventory all behest loans; identify the lenders and borrowers, including the principal officers and stockholders of the borrowing firms, as well as the persons responsible for granting the loans or who influenced the grant thereof;
2. Identify the borrowers who were granted “friendly waivers,” as well as the government officials who granted these waivers; determine the validity of these waivers;
3. Determine the courses of action that the government should take to recover those loans, and to recommend appropriate actions to the Office of the President within sixty (60) days from the date hereof.

The Committee is hereby empowered to call upon any department, bureau, office, agency, instrumentality or corporation of the government, or any officer or employee thereof, for such assistance as it may need in the discharge of its functions.

This Administrative Order shall take effect immediately.

DONE in Manila, Philippines, this 8th day of October, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) EDELMIRO A. AMANTE, SR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 14

PROVIDING FOR THE CREATION IN EACH OF THE ADMINISTRATIVE REGION OF THE COUNTRY A TASK FORCE TO PROMOTE THE PROMPT AND SPEEDY PROSECUTION OF CRIMINAL CASES TO BE KNOWN AS “TASK FORCE KATARUNGAN”

WHEREAS, it has become imperative that the government demonstrate its ability to administer criminal justice and enforce the rule of law;

WHEREAS, it is necessary pending the passage of appropriate legislative and other measures, that the government establish a strong presence in each of the regions through a mechanism that promote the speedy and prompt prosecution of criminal cases;

WHEREAS, the creation of this ad-hoc body can complement the Presidential Anti-Crime Commission;

WHEREAS, under the Administrative Code of 1987, the President has continuing authority to re-organize the Office of the President.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order.

SECTION 1. There is hereby created in each of the administrative regions of the country, a task force to be known as “Task Force Katarungan” (TAFKA) which shall have the primary duty of monitoring the prosecution of criminal cases that it identifies as having gained significance by reason of strong public sentiments, and to coordinate all government efforts in their prosecution before the courts.

SECTION 2. The TAFKA in every region shall be composed of the following:

- a. Department of Justice (DOJ), through its Regional State Prosecutors;
- b. Department of Environment and Natural Resources (DENR);
- c. The Philippine National Police (PNP), through the Regional Commander;
- d. The Economic Intelligence and Investigation Bureau (EIIB);
- e. Bureau of Internal Revenue (BIR);
- f. Bureau of Customs (BOC);
- g. National Bureau of Investigation (NBI);
- h. Department of the Interior and Local Government (DILG);
- i. Narcotics Command (NARCOM);
- j. Criminal Investigation Service Command (CISC);
- k. Philippine Information Agency (PIA); and
- l. A representative from a Non-government Organization (NGO) to be appointed by the Secretary of Justice.

The above-mentioned government agencies shall be represented in the TAFKA by their highest officer in the region or his representative.

SECTION 3. The Regional TAFKA shall be chaired by the Regional State Prosecutor. In the National Capital Region, the same shall be chaired by the Chief State Prosecutor.

SECTION 4. To assist the TAFKA in the discharge of its functions, the following Committees shall be constituted within it:

1. Smuggling and Tax Evasion;
2. Illegal Logging;
3. Syndicates and Heinous Crimes;
4. Crimes by Law Enforcers and Public Officers;
5. Dangerous Drugs; and
6. Service of Warrants.

The TAFKA may create additional or reduce the number of Committees as it deems proper.

SECTION 5. The Committees shall monitor the prosecution of criminal cases and submit a monthly report to the TAFKA of the cases monitored by them, ascertaining the constraints hindering or delaying the prosecution of these cases.

SECTION 6. The Committee on Smuggling and Tax Evasion shall be composed of representatives from the BIR, EIIB, BOC, NBI, DOJ, and the PNP. It shall monitor the prosecution of violations of the Customs and Tariff Code, the National Internal Revenue Code, and other revenue related laws.

The Committee on Illegal Logging shall be composed of representatives from the DENR, DOJ, DILG and the PNP. It shall monitor the prosecution of violations of the Revised Forestry Code and related laws.

The Committee on Syndicate and Heinous Crimes shall be composed of representatives from the PNP, DOJ, DILG, NBI, DOLE and the Bureau of Immigration (BI). It shall monitor the prosecution of heinous crimes and crimes committed by syndicates.

The Committee on Crimes by Law Enforcers and Public Officers shall be composed of representatives from the NAPOLCOM, DOJ, PNP and the NBI. It shall monitor the prosecution of crimes committed by the officers and members of the Philippine National Police (PNP) or the Armed Forces of the Philippines (AFP) and civilian public officers and employees.

The Committee on Dangerous Drugs shall be composed of representatives from the NBI, DOJ and NARCOM. It shall monitor the prosecution of violations of the Dangerous Drugs Act and related laws.

The Committee on the Service of Warrant shall be composed of representatives of the PNP, DILG, NBI and the DOJ. It shall monitor the implementation of warrants of arrest which have not been served or have returned unserved. All Committees of the TAFKA may seek the assistance of this Committee in the enforcement of the warrants of arrest issued in any of the cases monitored by them.

SECTION 7. The TAFKA and its Committees shall have the following functions:

- a. Monitor the prosecution of the criminal cases which have been identified for monitoring;
- b. Pursue inter-agency coordination to expedite the prosecution of said cases;
- c. Formulate strategies to promote prompt and speedy prosecution;
- d. Conduct consultations and collate proposals relevant to criminal prosecution and to submit the same to the Secretary of Justice;
- e. Assist, as circumstances require, the Presidential Anti-Crime Commission in the discharge of its functions relevant to the prosecution of criminal cases in the regions; and
- f. Submit a monthly report to the Secretary of Justice, which shall include the identification of the factors which delay the prosecution of the cases monitored by it. It shall likewise submit an annual report to the President through the Secretary of Justice.

SECTION 8. The Regional TAFKA shall promulgate its own rules regarding the conduct of its meetings; Provided, that the TAFKA shall hold at least one (1) regular plenary meeting a month.

SECTION 9. The Office of the Regional State Prosecutor shall act as the Secretariat of the Regional TAFKA. For the NCR, the Office of the Chief State Prosecutor shall act as the Secretariat.

SECTION 10. This Administrative Order shall take effect immediately.

DONE in the City of Manila, Philippines, this 9th day of October, in the year of Our Lord, Nineteen Hundred and Ninety-Two.

(Sgd.) FIDEL V. RAMOS

By Authority of the President:
(Sgd.) EDELMIRO A. AMANTE
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 15
AMENDING ADMINISTRATIVE ORDER NO. 101, DATED DECEMBER 13,
1988, WHICH CREATED A HUMAN RIGHTS COMMITTEE

WHEREAS, Administrative Order No. 101, dated December 13, 1988, created a Human Rights Committee, composed of representatives from the Executive, Congress, the Commission on Human Rights, and private sector human rights groups to assess and monitor, on a continuing basis, the Philippine human rights situation and to advise the President on the proper measures that ought to be taken without delay;

WHEREAS, said Committee was created to show this Government's commitment to protect human rights and promote its observance by all, in accordance with the Constitution's Declaration of Principles and State Policies that, "The State values dignity of every human person and guarantees full respect for human rights";

WHEREAS, it has been noted that there are offices in the executive which, if included in the composition of the Committee, will render the Committee more effective and efficient in monitoring the Philippine human rights situation and in addressing human rights problems and in advising the President on the proper measures that ought to be taken without delay;

WHEREAS, said offices are: the Department of the Interior and Local Government, the Department of Foreign Affairs, the Department of Health, and the Department of Social Welfare and Development.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Section 1 of Administrative Order No. 101 is hereby amended to read as follows:

"SECTION 1. There is hereby created a Human Rights Committee, to be composed of:

The Secretary of Justice as Chairman.

The Chairman of the Commission on Human Rights, the Presidential Legal Counsel, a Representative of the Department of National Defense, a Representative of the Department of the Interior and Local Government, a Representative of the Department of Foreign Affairs, a Representative of the Department of Health, a Representative of the Department of Social Welfare and Development, a Senator and a Congressman as the Senate President and the Speaker of the House of Representatives may wish to designate, and two representatives of private human rights groups to be nominated by said groups and appointed by the President, as members".

SECTION 2. - This Administrative Order shall take effect immediately.

Done in the City of Manila, this 14th day of October, in the year of Our Lord, nineteen hundred and ninety two.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) EDELMIRO A. AMANTE, SR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 16

AMENDING ADMINISTRATIVE ORDER NO. 504, DATED FEBRUARY 1, 1986, AS AMENDED BY ADMINISTRATIVE ORDER NO. 92, DATED SEPTEMBER 22, 1988, ENTITLED “LIFTING OF THE BAN ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR PUBLIC LANDS IN BAGUIO CITY, CREATING A COMMITTEE TO SCREEN AND EVALUATE ALL SUCH PUBLIC LAND APPLICATIONS AND FOR OTHER PURPOSES”

I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1 of Administrative Order No. 92, series of 1988, is hereby amended as follows:

“All such applications, however, shall be screened and evaluated by a Committee which is hereby created composed of the Secretary, Department of Environment and Natural Resources or his duly designated representative, as Chairman, and the Director, Lands Management Bureau, the City Mayor of Baguio and a representative of the private sector as Members.”

All other provisions of Administrative Order No. 504, series of 1986, and Administrative Order No. 92, series of 1988, shall remain as it such.

Done in the City of Manila, this 14th day of October, in the year of Our Lord, nineteen hundred and ninety two.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) EDELMIRO A. AMANTE, SR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 17
ATTACHING THE NATIONAL IRRIGATION ADMINISTRATION TO THE
DEPARTMENT OF AGRICULTURE

WHEREAS, the National Irrigation Administration, an attached agency of the Office of the President, is mandated to promote the integrated growth and development of the irrigation system in our agricultural areas;

WHEREAS, this Administration is committed to providing its full support and cooperation to the agricultural sector as a means to assuring the stability of our food supply;

WHEREAS, there is an urgent need to transfer the supervision and control over the National Irrigation Administration from the Office of the President to the Department of Agriculture;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The National Irrigation Administration is hereby attached to the Department of Agriculture.

SEC. 2. The NIA shall continue to exercise its power and functions under existing laws.

SEC. 3. The Secretary of Agriculture shall be the Chairman of the governing body of the NIA.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 14th day of October, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) EDELMIRO A. AMANTE, SR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 18
PROVIDING FOR THE IMPLEMENTING RULES AND REGULATIONS OF R.A. NO. 7637

WHEREAS, Republic Act No. 7637, simultaneously created the “MT. PINATUBO ASSISTANCE, RESETTLEMENT AND DEVELOPMENT COMMISSION (PARDC) to administer the “PINATUBO ASSISTANCE AND DEVELOPMENT FUND” which provides for the appropriation of P10 billion for the aid, relief and rehabilitation, reconstruction and development of the lahar-stricken areas;

WHEREAS, there is urgent need to promulgate rules and regulations to govern the implementation of the said Act;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the promulgation and adoption of the following rules and regulations to govern the implementation of R.A. 7637:

RULE I - TITLE

These rules and regulations shall be known as the Implementing Rules and Regulations (IRR) of Republic Act No. 7637.

RULE II - PURPOSE

It prescribes the policies and guidelines in the administration of the Mt. Pinatubo Fund by the PARDC, pursuant to relevant provisions of the Act in order to facilitate compliance thereto and ensure the fulfillment of its objectives.

RULE III - POWERS, FUNCTIONS AND RESPONSIBILITIES OF THE PARDC

Pursuant to Section 7 of RA 7637, the following rules and regulations are prescribed to effectively discharge the powers and functions of the Commission.

A. Policy Formulation and Planning

The Commission shall:

1. Prescribe the overall strategic framework in planning the utilization of the P10 billion Fund provided for and as scheduled in Section 5 of RA 7637.
2. Formulate the policies and approve the Master Plan for the relief, rehabilitation, resettlement, livelihood services and infrastructure support for the Mt. Pinatubo victims.
3. Approve the prioritization of projects as recommended by the Executive Director and changes thereto, together with realignment of funds as found necessary.
4. Approve the annual Work and Financial Plan of the Commission and the corresponding projects for implementation by concerned agencies for submission to DBM.

B. Fund Administration

The Commission shall:

1. Administer judiciously and effectively the P10 Billion Fund by giving priority to resettlement centers, homesites/townsites and establishment of appropriate livelihood programs for the calamity victims. Consultations will be undertaken with the concerned local government units and agencies as well as representatives of the victims in the use of funds for these purposes.
2. Direct the release of funds to implementing agencies in accordance with the usual budgetary processes/requirements. In the event that any implementing agency cannot undertake a project as determined by the Commission, the funds thereof shall be returned to the DBM for further disposition.
3. Establish a system of emoluments for the members of the Commission, the Executive Director and all the consultants and support staff who may be appointed/hired, subject to pertinent laws and policies on personnel compensation.
4. Adhere strictly to the guidelines in the allocation and programming of funds as prescribed in Sections 4 and 5 of RA 7637.

C. Meetings

1. The Commission shall meet at least monthly at a date, hour and place designated by the Chairman.
2. Commission members, who are members of the Cabinet, together with ex-officio member shall be allowed representation by duly designated permanent alternates.
3. A majority of the members of the Commission shall constitute a quorum for doing business.
4. Resolutions voted upon by the Commission shall be passed by a majority of the members present.
5. Special meetings may be called by the Chairman as are necessary. The Executive Director, with the concurrence of at least two (2) other members, may likewise call for such special meetings.

**RULE IV - POWERS, FUNCTIONS AND RESPONSIBILITIES
OF THE EXECUTIVE DIRECTOR**

Pursuant to Section 9 of RA 7637, the Executive Director shall adhere to the following rules and regulations in the exercise of his powers and functions:

A. Planning

1. Prepare and submit to the Commission for approval the Master Plan incorporating therein the objectives and guidelines in Section 3 of RA 7637, and the strategic framework for planning as prescribed by the Commission.
 2. Prepare and submit to the Commission an annual operating budget for approval and thereafter ensure the timely provision of adequate funding to all projects.
-

3. Upon approval by the Commission, undertake negotiations for foreign grants for selected projects under ODA funding.

B. Coordination

1. Coordinate and effect the smooth and immediate transfer of operating funds, records, assets and liabilities of the Task Force on the Rehabilitation of Areas Affected by the Eruption of Mt. Pinatubo created under PMO No. 369, s-91, as amended, to the Commission.
2. Ensure the synchronization of project implementation by concerned government departments and agencies as prescribed in Section 10, RA 7637.
3. Act as arbiter in reconciling implementation issues among agencies concerned, and elevate to the Commission problems and issues that cannot be resolved at his level.
4. Represent the Commission in official meetings/conferences upon authorization by the Commission.

C. Monitoring

1. Maintain appropriate books, records and reports for the Commission.
2. Prepare reports to the President and Congress as required in Section 12, RA 7637 for the approval of the Commission.
3. Institute appropriate project management procedures and policies that will insure efficient and economical accomplishment of all programs and projects under the Master Plan.

D. Administration

1. Organize an administrative body that will act as Secretariat to the Commission.
2. Hire casual and contractual employees, consultants and other support staff as may be needed subject to the approval of the Commission.
3. Act as the meeting/conference coordinator of the Commission.
4. Render progress reports on all projects being undertaken by concerned agencies to include fund releases, obligated allocations and corresponding disbursements as prescribed by DBM.
5. Manage the administrative and operating expenses of the Commission.
6. Perform such other duties as directed by the Commission.

RULE V - AMENDMENTS

The Commission, upon recommendation to the President, may as it deems necessary, amend, revise and/or add to these rules and regulations in order to expedite the implementation of this Act.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of October, in the Year of Our Lord, Nineteen Hundred and Ninety-Two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) EDELMIRO A. AMANTE, SR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Orders Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 19
CREATING THE PRESIDENTIAL AD-HOC COCONUT LEVY
FUNDS AUDIT COMMITTEE

WHEREAS, the government recognizes the legitimate demand of the coconut farmers for the government to conduct a financial and management audit for the protection of farmers' interest;

WHEREAS, it has been ruled by the Supreme Court of the Philippines in *Cocofed v. PCGG*, G.R. No. 75713, October 2, 1989 that: "Until it is demonstrated satisfactorily that they (coconut levy funds) have legitimately become private funds, they must *prima facie* and by reason of the circumstances in which they were raised and accumulated be accounted subject to the measures prescribed in E.O. Nos. 1, 2 and 14 (s. 1986) to prevent their concealment, dissipation, etc., which measures include the sequestration and other orders of the PCGG";

WHEREAS, it is imperative to safeguard the coconut levy funds now under government sequestration;

WHEREAS, the utilization and proper management of the coconut levy funds, raised by the State's police and taxing powers, are the concern of the Government;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, pursuant to the authority conferred upon me by law, do hereby create an Ad-Hoc Coconut Levy Funds Audit Committee, under the Office of the President, composed of the following:

- a. Mr. Emmanuel Pelaez, as representative of the coconut industry's private sector;
- b. The Chairman of the Presidential Commission on Good Government;
- c. Administrator of the Philippine Coconut Authority;
- d. The Solicitor General;
- e. The Secretary of the Department of Budget and Management;
- f. The Commissioner of the Bureau of Internal Revenue; and
- g. A representative from the Office of the President, to be designated by the President.

The Committee shall be headed by Mr. Emmanuel Pelaez as its Chairman, the PCGG Chairman as its Vice-Chairman, and the PCA Administrator as its Secretary.

A Secretariat composed of representatives from the abovenamed government agencies shall be organized by the Committee and shall hold office at the PCA Office, Diliman, Quezon City.

The Committee shall:

1. conduct a financial and management audit of all government institutions and government-owned or controlled corporations and their subsidiaries, as well as private entities under government sequestration, where the coconut levy funds and its proceeds may have been located; Provided, that said audit shall be conducted in accordance with existing laws and regulations;

2. conduct an inventory of all the real and personal properties that have or may have been procured or acquired legally or illegally with the use of the coconut levy funds and/or its proceeds;
3. submit a report of its findings and recommendations to the President as soon as possible but not later than ninety (90) days from date hereof.

The Committee may call on any Department, Bureau, Office, Agency or any instrumentality of the government for assistance in its auditing task, as well as in the discharge of its functions.

DONE in the City of Manila, this 9th day of November, in the year of Our Lord, Nineteen Hundred and Ninety-Two.

(Sgd.) FIDEL V. RAMOS

By Authority of the President:
(Sgd.) EDELMIRO A. AMANTE, SR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 20
INTERIM GUIDELINES ON AGRICULTURAL LAND USE CONVERSION

WHEREAS, R.A. No. 6657, otherwise known as the “Comprehensive Agrarian Reform Law” (CARL), implements the policy of the State to promote comprehensive rural development and agrarian reform;

WHEREAS, the Department of Agrarian Reform (DAR), the agency tasked to implement the CARL, is authorized by law (Title XI, Book IV, E.O. No. 292, Series of 1987) to approve or disapprove conversion of agricultural lands to non-agricultural uses such as residential and industrial conversions in accordance with law;

WHEREAS, Section 20 (a) R.A. No. 7160, otherwise known as the “Local Government Code of 1992”, empowers local government units (LGUs) to reclassify agricultural lands in cases (1) where the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture or (2) where the land shall have substantially greater economic value for residential, commercial, or industrial uses as determined by the sanggunian concerned;

WHEREAS, Section 20 (c) of the Code also provides that the requirements for food production human settlements, and industrial expansion shall be taken into consideration is preparing plans for future use of land resource;

WHEREAS, pending adoption of comprehensive guidelines on land conversion to implement Section 20 of the Code, it is deemed necessary to promulgate interim guidelines on agricultural land conversion based on existing guidelines adopted in accordance with law;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law do hereby direct the observance by all agencies and LGUs concerned of the following interim guidelines on agricultural land use conversion:

1. All agricultural lands classified hereunder shall not be subject to and non-negotiable for conversion:

- (a) All irrigated lands where water is available to support rice and other crop production, and all irrigated lands where water is not available for rice and other crop production but are within areas programmed for irrigation facility rehabilitation by the Department of Agriculture (DA) and National Irrigation Administration (NIA); and
- (b) All irrigable lands already covered by irrigation projects with firm funding commitments at the time of the application for land use conversion.

2. All agricultural lands other than those referred hereunder as non-negotiable for conversion may be converted only upon strict compliance with existing laws, rules and regulations.

This Administrative Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Done in the city of Manila, this 7th day of December, in the year of our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) EDELMIRO A. AMANTE, SR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 21

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 21 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2016). *[Memorandum: certification and official count of Presidential Issuances]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 22
PROMULGATING A COMMUNICATION AND ADVOCACY PROGRAM ON THE MEDIUM-TERM PHILIPPINE DEVELOPMENT PLAN, 1993-1998 (MTPDP-CAP), AND CREATING A CABINET-LEVEL PRESIDENTIAL TASK FORCE TO COORDINATE AND OVERSEE ITS IMPLEMENTATION

WHEREAS, with the approval of the Medium-Term Philippine Development Plan, 1993-1998, there is now the need to generate wide support and cooperation to ensure its effective and successful implementation;

WHEREAS, such support and cooperation coming from all sectors of society and the international community can only be secured with their clear understanding of the Plan and their full appreciation of the benefits and opportunities available to them with its successful implementation;

WHEREAS, there is therefore the need for a massive and sustained information effort to communicate to the people and the world community the country's vision and goals of development during the next six years as contained in the Medium-Term Philippine Development Plan, 1993-1998, as well as the specific policy thrusts, programs, and activities which can only be successfully carried out with their full support and cooperation;

NOW, THEREFORE, it is hereby ordered that:

SECTION 1. The Communication and Advocacy Program on the Medium-Term Philippine Development Plan, 1993-1998, as approved and endorsed by the National Economic and Development Authority (NEDA) Board, and which shall henceforth become an integral part of this Administrative Order, is hereby approved for implementation and guidance of all executive departments and agencies of government and all local government units, including the Metro Manila Authority, the Cordillera Administrative Region, and the Autonomous Region of Muslim Mindanao.

SECTION 2. A Presidential Task Force to coordinate and oversee the implementation of this Communication and Advocacy Program on the MTPDP, 1993-1998, is hereby created to be composed of the following:

- | | |
|-------------|--|
| Chairman | – Secretary of Socio-Economic Planning |
| Co-Chairman | – Press Secretary |
| Members | – Secretary of Education, Culture and Sports |
| | – Secretary of Foreign Affairs |
| | – Secretary of Trade and Industry |
| | – Secretary of Interior and Local Government |
| | – Secretary of Budget and Management |
| | – Director-General PIA |

SECTION 3. The Presidential Task Force to implement the MTPDP-CAP shall exercise the following specific functions and responsibilities:

- a. Approve, coordinate, oversee, and monitor the action programs implementing the specific components of the MTPDP-CAP based on the assigned roles and responsibilities of the departments, agencies, and local governments concerned as specified herein;
- b. Submit quarterly reports to the President and the NEDA Board on the status of assigned tasks and responsibilities of the various departments, agencies, and local governments concerned;
- c. Issue such additional guidelines as may be necessary for the effective implementation of the MTPDP-CAP.

SECTION 4. Secretariat support to the Task Force shall be provided jointly by the National Economic and Development Authority (NEDA) and the Office of the Press Secretary-Philippine Information Agency (PIA).

SECTION 5. All departments, agencies, and local governments are hereby directed to set aside from their funds such amounts as may be necessary to carry out their specific roles and responsibilities in pursuance of this order. All other expenditure programs as may be determined and approved by the President, upon recommendation of the Presidential Task Force as created herein, shall be allocated and made available by the Department of Budget and Management from such existing appropriated funds not otherwise allocated for any specific purpose for the use of the various executive departments, agencies and instrumentalities of the government, including the local governments, in carrying out the activities in pursuance of the objectives of this Administrative Order.

SECTION 6. This Order shall take effect immediately.

DONE in the City of Manila, this 15th day of December, in the year of our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) EDELMIRO A. AMANTE
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 23

**PRESCRIBING THE RULES AND PROCEDURES ON THE INVESTIGATION OF
ADMINISTRATIVE DISCIPLINARY CASES AGAINST ELECTIVE LOCAL OFFICIALS OF
PROVINCES, HIGHLY URBANIZED CITIES, INDEPENDENT COMPONENT CITIES,
COMPONENT CITIES, AND CITIES AND MUNICIPALITIES IN METROPOLITAN MANILA.**

I, **FIDEL V. RAMOS**, President of the Philippines, by virtue of the powers vested in me by law, do hereby prescribe the rules and procedures governing investigation of administrative disciplinary cases against elective local officials of provinces, highly urbanized cities, independent component cities, component cities, and cities and municipalities in Metropolitan Manila, pursuant to Sections 60 to 66 of Republic Act No. 7160, otherwise known as the 1991 Local Government Code, in relation to Rule XIX, Articles 124 to 130 of the Implementing Rules and Regulations approved and adopted under Administrative Order No. 270, s. of 1992, and Section 9 of Executive Order No. 392, s. of 1990, as follows:

Rule 1

PRELIMINARY PROVISIONS

SECTION 1. Coverage. These rules and procedures shall apply to administrative disciplinary cases filed against (a) the governors, vice governors, and members of the sangguniang panlalawigan; (b) the mayors, vice mayors, and members of the sangguniang panlungsod of highly urbanized cities, independent component cities, and component cities; and (c) the mayors, vice mayors, and members of the sangguniang panlungsod or bayan of cities or municipalities in Metropolitan Manila.

SEC. 2. Disciplinary Authority. All Administrative complaints, duly verified, against elective local officials mentioned in the preceding Section shall be acted upon by the President. The President, who may act through the Executive Secretary, shall hereinafter be referred to as the Disciplining Authority.

SEC. 3. Investigating Authority. The Secretary of the Interior and Local Government is hereby designated as the Investigating Authority. He may constitute an Investigating Committee in the Department of the Interior and Local Government (DILG) for the purpose.

Rule 2

GROUND FOR ADMINISTRATIVE DISCIPLINARY ACTION

SECTION 1. Grounds. An elective local official may be disciplined, suspended, or removed from office on any of the following grounds:

- a) Disloyalty to the Republic of the Philippines;
- b) Culpable violation of the Constitution;
- c) Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;

- d) Commission of any offenses involving moral turpitude or an offense punishable by at least *prision mayor*, which is from six (6) years and one (1) day to twelve (12) years' imprisonment;
- e) Abuse of authority;
- f) Unauthorized absence for fifteen (15) consecutive working days in case of local chief executives and four (4) consecutive sessions in the case of members of the sanggunian;
- g) Application for, or acquisition of, foreign citizenship or residence of the status of an immigrant of another country; and,
- h) Such other grounds as may be provided by the Local Government Code of 1991; Republic Act No. 6713; Republic Act No. 3019; Administrative Code of 1987; Revised Penal Code; and all other applicable general and special laws.

Rule 3 COMPLAINT

SECTION 1. How initiated. An administrative case may be initiated by any private individual or any government officer or employee by filing a sworn written complaint against any elective local official enumerated under Sec. 1, Rule I hereof. It may also be initiated *motu proprio* by the Office of the President or any government agency duly authorized by law to ensure that local government units (LGUs) act within their prescribed powers and functions.

SEC. 2. Form of Complaint. The complaint, accompanied by affidavits of witness or evidences in support of the charge, shall be addressed to the President. It shall be drawn in clear, simple, and concise language and in methodical manner as to apprise the respondent of the nature of the charge against him and to enable him to prepare his defense. The party filing the complaint shall be called the complainant, while the official against whom the complaint is filed shall be called the respondent.

SEC. 3. Where filed. The complaint shall be filed with the Records Office, Office of the President, Malacañang, Manila. However, for cases against elective officials of LGUs concerned outside Metropolitan Manila, the complaint may be filed through the concerned Regional Director of the DILG, who shall transmit the same to the Secretary of the Interior and Local Government, within forty-eight (48) hours from receipt thereof. In this regard, the Regional Director concerned shall authenticate all the pertinent documents presented to him.

Upon receipt of the said documents, the Secretary of the Interior and Local Government shall transmit the same to the Office of the President, within forty-eight (48) hours from receipt of the same.

A copy of the complaint shall be furnished to each of the following:

- a) the office of the Governor in the case of component cities;
- b) the Metropolitan Manila Authority in the case of cities and municipalities in Metropolitan Manila; and
- c) the DILG in all cases.

SEC. 4. Filing fee. A fee of Two Hundred Pesos (P200.00) shall be charged for every complaint filed with the Office of the President, payable to the "Cashier, Office of the President."

Pauper complaints duly certified as such in accordance with the Rules of Court shall be exempted from the payment of the filing fee.

Rule 4 ANSWER

SECTION 1. Notice. Within seven (7) days after the complaint is filed, the Disciplining Authority shall issue an order requiring the respondent to submit his verified answer within fifteen (15) days from his receipt thereof. In the case of complaints filed through the DILG Regional Office, the said order shall be coursed through the Secretary of the Interior and Local Government.

SEC. 2. Form of answer. The answer, accompanied by affidavits of witnesses or evidences in support of the defense, shall be addressed to the President and shall be drawn in clear, simple, and concise language and in methodical manner as to traverse the charge.

SEC. 3. Where filed. The answer shall be submitted to the Records Office, Office of the President, Manila. However, for cases against elective officials of LGUs concerned outside Metropolitan Manila, the answer may be submitted through the concerned Regional Director of the DILG, who shall transmit the same to the Secretary of the Interior and Local Government, within forty-eight (48) hours from receipt thereof. In this regard, the Regional Director concerned shall authenticate all the pertinent documents presented to him.

Upon receipt of the above documents, the Secretary of the Interior and Local Government shall transmit the same to the Office of the President, within within forty-eight (48) hours from receipt of the same.

A copy of the answer shall be furnished to each of the following:

- a) the complainant;
- b) the office of the Governor in the case of component cities;
- c) the Metropolitan Manila Authority in the case of cities and municipalities in Metropolitan Manila; and
- d) the DILG in all cases.

SEC. 4. Failure to answer. Unreasonable failure of respondent to file his verified answer within fifteen (15) days from receipt of the complaint against him shall be considered as waiver of his right to present evidence in his behalf.

Rule 5 PRELIMINARY INVESTIGATION

SECTION 1. Commencement. Within forty-eight (48) hours from receipt of the answer, the Disciplining Authority shall refer the complaint and answer, together with their attachments and other relevant papers, to the Investigating Authority who shall commence the investigation of the case within ten (10) days from receipt of the same.

SEC. 2. Failure to commence preliminary investigation. Unreasonable failure to commence the preliminary investigation within the prescribed period by the person or persons assigned to investigate shall be a ground for administrative disciplinary action.

SEC. 3. Evaluation. Within twenty (20) days from receipt of the complaint and answer, the Investigating Authority shall determine whether there is a *prima facie* case to warrant the institution of formal administrative proceedings.

SEC. 4. Dismissal *motu proprio*. If the Investigating Authority determines that there is no *prima facie* case to warrant the institution of formal administrative proceedings, it shall, within the same period prescribed under the preceding Section, submit its recommendation to the Disciplining Authority for the *motu proprio* dismissal of the case, together with the recommended decision, resolution, and order.

SEC. 5. Preliminary conference. If the Investigating Authority determines that there is *prima facie* case to warrant the institution of formal administrative proceedings, it shall, within the same period prescribed under the preceding Section, summon the parties to a preliminary conference to consider the following:

- a) Whether the parties desire a formal investigation or are willing to submit the case for resolution on the basis of the evidence on record: and
- b) If the parties desire a formal investigation, to consider the simplification of issues, the possibility of obtaining stipulation or admission of facts and of documents, specifically affidavits and depositions, to avoid unnecessary proof, the limitation of number of witnesses, and such other matters as may aid the prompt disposition of the case.

The Investigating Authority shall encourage the parties and their counsels to enter, at any stage of the proceedings, into amicable settlement, compromise and arbitration, the terms and conditions of which shall be subject to the approval of the Disciplining Authority.

After the preliminary conference, the Investigating Authority shall issue an order reciting the matters taken up thereon, including the facts stipulated and the evidences marked, if any. Such order shall limit the issues for hearing to those not disposed of by agreement or admission of the parties, and shall schedule the formal investigation within ten (10) days from its issuance, unless a later date is mutually agreed in writing by the parties concerned.

SEC. 6. Venue of hearing. When the respondent is an elective official of a province or highly urbanized city, the preliminary investigation as contemplated in this Rule shall be conducted in the place where he renders or holds office. For all other local elective officials, the venue shall be the place where the sanggunian concerned is located.

SEC. 7. 90-day ban. No preliminary investigation shall be imposed within ninety (90) days immediately prior to any local election.

Rule 6 PREVENTIVE SUSPENSION

SECTION 1. Power to suspend. Preventive suspension may be imposed by the Disciplining Authority in cases where the respondent is an elective official of the following LGUs:

- a) provinces;
- b) highly urbanized cities;
- c) independent component cities; and
- d) cities or municipalities in Metropolitan Manila.

The governor shall, upon the direct order of the Disciplining Authority, preventively suspend an elective official of a component city, who is under formal administrative investigation by the Office of the President.

SEC. 2. 90-day ban. No preventive suspension shall be imposed within ninety (90) days immediately prior to any local election. If the preventive suspension has been imposed prior to the 90-day period immediately preceding a local election, it shall be deemed automatically lifted upon the start of aforesaid period.

SEC. 3. Grounds. Preventive suspension may be imposed at any time after the issues are joined, that is, after respondent has answered the complaint, when the evidence of guilt is strong and, given the gravity of the offense, there is a great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

SEC. 4. Duration. Any single preventive suspension of local elective officials shall not extend beyond sixty (60) days; provided that, in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.

SEC. 5. Automatic reinstatement. Upon expiration of the preventive suspension, the suspended elective official shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him, which shall be terminated within one hundred twenty (120) days from the time he was formally notified of the case against him. However, if the delay in the proceeding of the case is due to his fault, or request, other than the appeal duly filed, the duration of such delay shall not be counted in computing the time of termination of the case.

SEC. 6. Salary of respondent pending suspension. The respondent, who is preventively suspended from office, shall receive no salary or compensation during such suspension; but, upon subsequent exoneration and reinstatement, he shall be paid his full salary or compensation, including such emoluments accruing during such suspension.

Rule 7 FORMAL INVESTIGATION

SECTION 1. Procedural due process. The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witnesses against him, and to require the attendance of witnesses and the production of documents through the compulsory process of *subpoena* or *subpoena duces tecum*.

SEC. 2. Who conducts the hearing. The formal administrative investigation shall be conducted by the Investigating Authority.

SEC. 3. Failure to commence formal investigation. Unreasonable failure to commence the formal investigation within the prescribed period in the preliminary conference order by the person or persons assigned to investigate shall be a ground for administrative disciplinary action.

SEC. 4. Power to take testimony or receive evidence. The Investigating Authority is hereby authorized to take testimony or receive evidence relevant to the administrative proceedings, which authority shall include the power to administer oaths, summon witnesses, and require the production of documents by *subpoena duces tecum* pursuant to Book 1, Chapter 9, Section 37 of the Administrative Code of 1987.

Anyone who, without lawful excuse, fails to appear upon summons issued under authority of the preceding paragraph or who, appearing before the Investigating Authority exercising the power therein defined, refuses to make oath, give testimony or produce documents for inspection, when lawfully required, shall be subject to discipline as in case of contempt of court and, upon application by the Investigating Authority, shall be dealt with by the judge of the proper regional trial court in the manner

provided for under Book VII, Chapter 3, Section 13, in relation to Chapter 1, Section 2 (1), of the Administrative Code of 1987.

SEC. 5. Notice of hearing. The parties and their witnesses shall be notified by subpoena of the scheduled hearing at least five (5) days before the date thereof, stating the date, time and place of the hearing.

SEC. 6. Venue of hearing. When the respondent is an elective official of a province or highly urbanized city, the formal investigation as contemplated in this Rule shall be conducted in the place where he renders or holds office. For all other local elective officials, the venue shall be the place where the sanggunian concerned is located.

SEC. 7. Request for subpoena. If a party desires the attendance of a witness or the production of documents, he should make formally request for the issuance of the necessary *subpoena* or *subpoena duces tecum* at least three (3) days before the scheduled hearing.

SEC. 8. Postponement. Postponement of investigation shall be discouraged and shall be allowed only in meritorious cases, like illness of the parties or counsels and other similar case. No postponement for a period longer than seven (7) days shall be allowed, and in no case shall the total number of postponements for one party be more than twenty (20) days.

SEC. 9. Stenographic record of proceedings. The testimony of each witness and the manifestation of the parties and counsels during an investigation shall be taken in shorthand or stenotype. A transcript of the proceedings made by the official stenographer or stenotypist and duly certified by him shall be *prima facie* a correct statement of such proceedings.

SEC. 10. Order of hearing. Unless otherwise directed by the Investigating Authority, the order of a hearing shall be as follows:

- a) The complainant shall produce the evidence on his part;
- b) The respondent shall then offer evidence in support of his defense; and
- c) The parties may then respectively offer rebutting evidence, unless the Investigating Authority, for good reasons and in the furtherance of justice, permits them to offer evidence upon their original case.

SEC. 11. Order of Examination. The order in which a witness may be examined shall be as follows:

- a) Direct examination by the proponent;
- b) Cross examination by the opponent;
- c) Re-direct examination by the proponent; and
- d) Re-cross examination by the opponent.

SEC. 12. Termination of formal investigation. The formal investigation of the case shall be terminated by the Investigating Authority within ninety (90) days from the start thereof. Unreasonable failure to complete the formal investigation after the said period by the person or persons assigned to investigate shall be a ground for disciplinary action.

SEC. 13. Memoranda. The Investigating Authority may allow the parties to submit their respective memoranda, together with their respective draft resolutions and orders for the consideration of the Investigating Authority, within fifteen (15) days after the termination of the formal investigation.

Rule 8
EVIDENCE

SECTION 1. Rules of evidence. In administrative disciplinary proceedings –

- a) The Investigating Authority may admit and give probative value to evidence commonly accepted by reasonably prudent men in the conduct of their affairs;
- b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, the parties shall be given opportunity to compare the copy with the original. If the original is in the official custody of a public officer, a certified copy thereof may be accepted; and
- c) The Investigating Authority may take notice of judicially cognizable facts and of generally technical or scientific facts within its specialized knowledge. The parties shall be notified and afforded an opportunity to contest the facts so noticed.

SEC. 2. Marking. All documentary evidence or exhibits shall be properly marked by letter (A, B, C, etc.), if presented by the complainants, and by numbers (1, 2, 3, etc.), if presented by the respondent. They shall be attached to the records or, if voluminous, kept in a separate folder marked “Folder of Exhibits”, which shall also be attached to the records.

Rule 9
REPORT OF INVESTIGATING AUTHORITY
AND TRANSMISSION OF RECORDS

SECTION 1. Transmission of Records to Disciplining Authority. The Investigating Authority shall forward to the Disciplining Authority its findings and recommendations, together with the following:

- a) the draft decision, resolution and order;
- b) the complete records with each page consecutively numbered and initialed by the custodian of the records;
- c) a summary of proceedings thereon from the filing of the complaint to the transmittal of the records in chronological order indicating the action taken on the incidents involved; and
- d) a list of all pleadings, motions, manifestations, annexes, exhibits, and other papers or documents filed by the contending parties, as well as the corresponding orders or resolutions.

Such documents shall be forwarded to the Disciplining Authority within twenty (20) days –

- a) from receipt of the last pleading and evidence, if any, in case the respondent does not elect a formal investigation;
 - b) after the expiration of the period within which to submit the same; or after the termination of the formal investigation; or
 - c) after the parties have submitted their respective Memoranda if so allowed.
-

The transcript of the proceedings shall be paged consecutively and in chronological order, sewed on the left-hand side, and properly indexed, showing the page on which the testimony of each witness begins.

SEC. 2. Records classification. Records in administrative disciplinary cases are classified as confidential in nature and any information as to the charges, accusation, or facts adduced may not be released, and such records may not be available, except to the proper authorities and, upon request, to the parties-in-interest or their authorized representatives on the “need-to-know” basis pursuant to Memorandum Circular No. 78 dated August 14, 1964, as amended by Memorandum Circular No. 196 dated July 19, 1968, prescribing rules governing security of classified matter in government offices.

Rule 10

DECISION

SECTION 1. Rendition of decision. Within thirty (30) days after receipt of the report of the Investigating Authority and the transmittal of records, the Disciplining Authority shall render a decision in writing stating clearly and distinctly the facts and reasons for such decision. Copies of said decision shall immediately be furnished the respondent and all interested parties.

SEC. 2. Finality of decision. The decision of the Disciplining Authority shall become final and executory after the lapse of thirty (30) days from receipt of a copy thereof by the complainant or the respondent, as the case may be, unless a motion for reconsideration is filed within the said such period. Save in exceptionally meritorious cases, only one motion for reconsideration by any one party shall be allowed, which shall suspend the running of the 30-day reglementary period.

SEC. 3. Execution pending appeal. An appeal shall not prevent a decision from becoming final or executory. The respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal. In the event the appeal results in an exoneration, the respondent shall be paid his salary and such other emoluments accruing during the pendency of the appeal.

Rule 11

PENALTIES

SECTION 1. Suspension or removal. A respondent found guilty of any of the offenses enumerated in Rule 2 hereof may be meted the penalty of suspension or removal depending on the evidence presented and the aggravating or mitigating circumstances that may be considered by the Disciplining Authority.

SEC. 2. Suspension. The penalty of suspension shall not exceed the unexpired term of the respondent, or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.

SEC. 3. Removal. An elective local official may be removed from office on the grounds enumerated in Rule 2 hereof by order of the proper court or the Disciplining Authority whichever first acquires jurisdiction to the exclusion of the other.

The penalty of removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position.

Rule 12
EXECUTIVE CLEMENCY

SECTION 1. Removal of administrative penalties or disabilities. In meritorious cases, the President may, after his decision has become final and executory, commute or remove administrative penalties and disabilities imposed upon elective local officials in administrative disciplinary cases, subject to such terms and conditions as he may imposed in the interest of the service.

Rule 13
MISCELLANEOUS PROVISIONS

SECTION 1. Effects and application of relevant laws. This Administrative Order implements the Local Government Code of 1991 and its Implementing Rules and Regulations approved and adopted under Administrative Order No. 270 dated February 21, 1992; Book VI, Chapter 3, Sections 10-16 of the Administrative Code of 1983; and Executive Order No. 26 dated October 7, 1992. In all matters not provided in this Administrative Order, the Rules of Court and the 1987 Administrative Code shall apply in a suppletory character.

SEC. 2. Repeal. Administrative Order No. 195 dated September 10, 1990, as amended by Administrative Order No. 239 dated September 27, 1991, is hereby repealed.

SEC. 3. Effectivity. This Administrative Order shall take effect fifteen (15) days from publication in the Official Gazette.

Done in the City of Manila, this 17th day of December, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) EDELMIRO A. AMANTE, SR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 24
RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL COMMITTEE IN
CONNECTION WITH THE OBSERVANCE OF THE 96TH DEATH ANNIVERSARY OF
DR. JOSE P. RIZAL ON DECEMBER 30, 1992.

I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the membership of the Rizal Day National Committee in connection with the observance of the 96th Death Anniversary of Dr. Jose P. Rizal on December 30, 1992, as follows:

The Secretary of Education, Culture & Sports	– Chairman
The Secretary of the Interior & Local Government	– Member
The Undersecretary of Public Works & Highways	– Member
The Undersecretary of National Defense	– Member
The Undersecretary of Tourism	– Member
The Undersecretary of Social Welfare & Development	– Member
The Undersecretary of Budget and Management	– Member
The Undersecretary, Office of the Press Secretary	– Member
The Chief of Presidential Protocol	– Member
The Chairman, Metropolitan Manila Authority	– Member
The City Mayor of Manila	– Member
The Chairman, National Historical Institute	– Member
The Supreme Commander of the Knights of Rizal	– Member
The Chairman, National Commission on the Role of Filipino Women	– Member

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 17th day of December, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) EDELMIRO A. AMANTE, SR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 25
DISMISSING FROM THE SERVICE FIRST ASSISTANT PROVINCIAL PROSECUTOR
DIOSDADO S. IBÁÑEZ OF THE PROVINCIAL PROSECUTION OFFICE OF TARLAC

This refers to the administrative complaint filed by Mrs. Norma L. Baldoz against First Assistant Provincial Prosecutor Diosdado S. Ibañez of the Provincial Prosecution Office of Tarlac, for Extortion, Dishonesty and Gross Misconduct.

The relevant antecedent facts are stated in the Memorandum for the President, dated November 4, 1992, of the Secretary of Justice, to wit:

“Complainant alleges that she is the widow of PNP Senior Inspector Macario Baldoz, whose killing was the subject of a preliminary investigation, docketed as Criminal Case No. 4719 entitled ‘People vs. Caesario Millo, et al.’, before the Municipal Circuit Trial Court (MCTC) of Gerona, Tarlac. The court found a prima facie case for double murder against the accused. The case was elevated to the Office of the Provincial Prosecutor of Tarlac for action. Respondent prosecutor was assigned to review the resolution of the MCTC. It was during his review of the case that respondent prosecutor demanded ₱10,000.00 in consideration of his affirmance of the resolution of the MCTC. Complainant was only able to pay over ₱1,000.00 to respondent prosecutor. Consequently, in a resolution dated 6 March 1992, respondent prosecutor found prima facie cases for double homicide only against two (2) of the respondents while dismissing the case against the other respondents for insufficient evidence.

“In a 1st Indorsement dated 28 April 1992, the Office of the Regional State Prosecutor, Region III, was directed to conduct a formal investigation of the complaint.

“As an initial step in the investigation, the Regional State Prosecutor wrote complainant to appear and verify her complaint which complainant complied with.

“Thereafter, the complaint was transmitted to respondent prosecutor on 26 May 1992 for his comment and/or answer and the formal investigation was scheduled for 20 and 30 July 1992. Respondent prosecutor submitted his comment and/or answer dated 17 July 1992 sometime on 25 July 1992. Likewise, the notices for hearing were shown to have been received by him. Despite receipt, respondent prosecutor failed to appear at the formal investigation.

“In his written comment, respondent prosecutor denies the charge against him and avers that complainant, together with her half-brother, Wilfredo Manguera, approached him, through the office’s process server, Antonio V. Leaño, to inveigle him to affirm the finding and resolution of the MCTC. He promised

that he would consider the case carefully. Sometime thereafter, complainant again went to respondent prosecutor's house to plead with him and, as she was leaving, left ₱1,000.00 with him. Realizing later that he could not justify any action based on the conditions attached to the amount left by complainant, he called Antonio Leano and advised him to return the money to complainant. The money was subsequently turned over to Wilfredo Manguera, complainant's half-brother who, instead of giving the money back to complainant, went to the wife of Leño and deposited the same with her.

"In view of the foregoing, the Office of Regional State Prosecutor found respondent prosecutor liable for the offense of 'receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons' and, pursuant to R.A. 6713 (the 'Code of Conduct'), P.D. 807, as amended (the 'Civil Service Law') and Civil Service Commission Resolution No. 89-506 dated 20 July 1989, recommends the dismissal or forced retirement of respondent prosecutor from the service."

The Secretary of Justice, in the aforesaid memorandum, concurred in the recommendation of the Regional State Prosecutor for respondent's dismissal from the service. We quote the pertinent findings and conclusions of the Secretary of Justice.

"The issue of whether or not respondent prosecutor demanded from complainant, or was merely given, the amount of ₱1,000.00, in consideration for an action which he might take in the course of dispensing his functions as a public prosecutor, is insignificant. The undisputed fact is that he received ₱1,000.00 from the complainant under circumstances which would not have been made possible had not respondent prosecutor been in his position as such and tasked with the review of the resolution from the MCTC. Respondent prosecutor misused his office to his personal aggrandizement.

"Respondent prosecutor's admission of receiving and later returning the amount because he could not legally sustain the findings of the MCTC, is positive proof of gross misconduct in office. He could have, if his intentions were upright and above suspicion, immediately returned the money left by complainant. Instead, the said amount is allegedly lodged with the wife of his cohort, Antonio Leño.

"WHEREFORE, considering the foregoing, it is respectfully recommended that First Assistant Provincial Prosecutor DIOSDADO S. IBAÑEZ of Tarlac be DISMISSED from the service with forfeiture of all salaries and benefits which may be due him."

After circumspect review, I am in complete accord with the above findings and recommendation of the Secretary of Justice. The evidence unerringly suggest that respondent received the amount in question in consideration of the favor which complainant was seeking from him. Such being the case, his continuance in office will definitely tarnish the good name of the prosecution service, to say nothing of the fact that it will imperil the dispensation of fair and impartial justice. Needless to stress, a public

office is a position of trust and public service demands of every government office or employee, no matter how lowly his position may be, the highest degree of responsibility, integrity and honesty.

WHEREFORE, and as recommended by the Secretary of Justice, respondent First Assistant Provincial Prosecutor Diosdado S. Ibañez of Tarlac, is hereby DISMISSED from the service, with forfeiture of all salaries and benefits which may be due him, effective upon receipt of a copy hereof.

Done in the City of Manila, Philippines, this 28th day of December, in the year of Our Lord nineteen hundred and ninety-two.

(Sgd.) FIDEL V. RAMOS

By the President

(Sgd.) EDELMIRO A. AMANTE, SR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 26
CREATING A PHILIPPINE HOST COMMITTEE FOR ASEAN TOURISM FORUM 1993

WHEREAS, the six member nations of ASEAN, namely Brunei Darussalam, Malaysia, Indonesia, the Philippines, Singapore, and Thailand, have agreed on a cooperative effort to promote the ASEAN region as one tourist destination;

WHEREAS, a regional travel trade event provides an invaluable occasion for travel industry practitioners from both the public and private sectors of ASEAN to meet and discuss strategies aimed at the growth and enhancement of tourism in the region;

WHEREAS, a series of meetings of the ASEAN national tourism organizations (NTOs) and the sectoral associations of the private sector led to a region-wide agreement to hold annually the ASEAN Tourism Forum consisting of multi-sectoral meetings and dialogues, an industry-wide conference and a travel mart between ASEAN sellers and worldwide buyers;

WHEREAS, the annual hosting of the ASEAN Tourism Forum is alphabetically rotated among the member countries;

WHEREAS, 1993 marks the twelfth year of this event since its inauguration in Malaysia in 1981 and the third time the Philippines serve as the host country;

WHEREAS, the successful conduct of ATF '93 will contribute positively to the projection of the Philippines as a competitive tourist destination for leisure, business, meetings and exhibitions and enable more substantial economic benefits to the Philippines;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order;

Section 1. A Philippine Host Committee for ASEAN Tourism Forum 1993, hereinafter referred to as the Committee, is hereby created to undertake the preparations and implementation of the Philippines hosting of the forum.

The Committee shall be composed of the following:

Secretary of Tourism	– Chairman
The Department of Tourism Undersecretaries, the Philippine Tourism Authority General Manager and the Duty Free Philippines General Manager	– Vice Chairmen
Chairmen of the Working Groups as may be designated by the Secretary of Tourism	– Members

The Secretary of Tourism shall designate a Senior Officer of the Philippine Convention and Visitors Corporation as Secretary-General who shall also be a member of the Committee. The Secretary General shall head the Secretariat and supervise the day to day implementation of the work program of ATF '93.

Sec. 2. The Committee shall have the following primary objectives:

- * The projection of the Philippines as a competitive holiday and convention destination;
- * The organization of the biggest attended and most efficiently conducted ATF in the event's 12-year history;
- * The promotion of increased tourist in-flow to each and/or to a combination of ASEAN member countries from various tourist generating countries;
- * The promotion of intra-ASEAN travel; and
- * The strengthening of the cooperative ties among the various sectors of the ASEAN tourism industry.

Sec. 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 29th day of December, in the year of Our Lord, nineteen hundred and ninety two.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) EDELMIRO A. AMANTE, SR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 27

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 27 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 28

**CREATING A NATIONAL COMMITTEE ON THE INTERNATIONAL YEAR FOR THE
WORLD'S INDIGENOUS PEOPLES AND DECLARING 1993 AS NATIONAL YEAR FOR
FILIPINO INDIGENOUS PEOPLES**

WHEREAS, the UN General Assembly on 18 December 1990 declared 1993 as “International Year for the World’s Indigenous Peoples: A New Partnership”, with a view to strengthening international cooperation towards the solution of problems faced by indigenous communities in such areas as human rights, the environment, development, education, health, employment and ancestral domain;

WHEREAS, this UN General Assembly Declaration invites States to ensure that preparations are made for the Year, and invites indigenous organizations and other concerned non-governmental organizations to consider their respective contributions for the success of the Year, with a view to presenting them to the World Commission on Human Rights and other international organizations concerned with other issues especially the environment, development, education, health, and intellectual and labor rights of indigenous peoples;

WHEREAS, the Philippines is a signatory to the International Labor Organization (ILO) Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries which is currently the main international legal instrument protecting the rights of indigenous peoples; and other international agreements concerning the environment such as the 1992 UN Convention on Biodiversity and the Principles on Tropical Forests, which directly concern the 2 million year old biocultural diversity of indigenous peoples in their forests;

WHEREAS, the Philippines, through the initiative of DIALECT-PCCEDIU-International Theater Institute, FACE/Earth Savers Movement and the Indigenous Organization Tribal Communities Association of the Philippines (TRICAP), all non-governmental organizations, hosted the 1988 International Conference and Festival for Indigenous and Traditional Cultures in Manila as the UNESCO launching event for the Decade of Culture, and which initiative led to a successful Philippine involvement in the UN General Assembly Declaration of 1993 as the International Year of the World’s Indigenous Peoples and the special participation of the Philippines at the inaugural ceremonies of the UN Year during Human Rights Day on 11 December 1992 at the UN Headquarters;

WHEREAS, the Philippines will participate in the World Conference on Human Rights to be held in Vienna on 14-25 June 1993 which will finalize and approve a Universal Declaration on the Rights of Indigenous Peoples that will chart the UN Human Rights Program into the next century;

WHEREAS, the National Inter-Agency Committee for the Global Youth Earth Saving (YES) Summit to be held in Quezon City on 10-19 April 1993 is preparing the first UN endorsed international event for the year on the theme “Indigenous Peoples and Youth Partnership for Sustainable Development,” the Summit to be preceded by a National Conference of Indigenous Peoples also in Quezon City on 10-11 April 1993 with its central theme of “Indigenous People’s Traditional Cultures, Ancestral Domain and Self-Governing Communities: A Philippine Strategy for Sustainable Development,” both the Summit and the Conference initiated by the Earth Savers Movement and TRICAP;

WHEREAS, it is now incumbent on the Philippine Government to undertake such preparations for the Year with the full participation of indigenous peoples in the planning, implementation and evaluation of such program, projects and activities that will affect their living conditions and future;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby create a National Committee for the International Year of the World's Indigenous Peoples and declare 1993 as the National Year of Philippine Indigenous Peoples.

Section 1. **Composition of the National Committee.** - I hereby designate the following or their duly authorized representatives to compose the National Committee:

- | | |
|---|----------------|
| 1. Secretary of the Department of Environment and Natural Resources ... | Co-Chairperson |
| 2. Secretary of the Department of Foreign Affairs | Co-Chairperson |
| 3. Secretary of the Department of Education, Culture and Sports..... | Member |
| 4. Secretary of the Department of Health | Member |
| 5. Secretary of the Department of Labor and Employment | Member |
| 6. Secretary of the Department of Agrarian Reform..... | Member |
| 7. Secretary of the Department of Tourism..... | Member |
| 8. Secretary of the Department of the Interior and Local Government | Member |
| 9. Secretary of the Department of Public Works and Highways..... | Member |
| 10. Secretary of the Department of Trade and Industry..... | Member |
| 11. Secretary of the Department of Science and Technology | Member |
| 12. Secretary of the Department of National Defense | Member |
| 13. Secretary of the Department of Agriculture | Member |
| 14. One (1) representative each from the: | Members |
| a) Office of Northern Cultural Communities | |
| b) Office of Southern Cultural Communities | |
| c) Office of Muslim Affairs | |
| 15. The Press Secretary | Member |

Section 2. **Functions of the National Committee.** - The National Committee shall prepare the appropriate national program on the International Year for the World's Indigenous Peoples and the National Year for Filipino Indigenous Peoples which shall be implemented throughout the Philippines. The National Committee shall also undertake the necessary preparations for the holding of or participation of concerned agencies in conferences, national and international, concerning indigenous peoples.

The National Committee may secure the cooperation of all government and private instrumentalities to ensure the success of its programs. The National Committee shall organize a Secretariat which will implement the programs and projects of the National Committee and which will include staff members from the Human Rights Commission and from the organizing hosts of the Global YES Summit which are the TRICAP, coordinating for the indigenous peoples; the Earth Savers Movement, coordinating for the environmental NGOs and cultural communications; the Philippine Business for Social Progress (PBSP), coordinating for the business sector; the University of the Philippines; the Speaker's Office of the House of Representatives; and the Mayor's Office of Quezon City.

The National Committee may create such Subcommittees as it may deem necessary.

Section 3. **Funding.** - The Funds necessary to carry out the provisions of this Administrative Order shall be taken from funds available in the Departments and government offices represented in the National Committee, and in the absence or insufficiency thereof, from any available lump sum appropriation and/or special fund, upon approval of the President.

Section 4. **Effectivity.** - This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 18th day of January, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 29

**AUTHORIZING THE GRANT OF CY 1992 PRODUCTIVITY INCENTIVE BENEFITS
TO GOVERNMENT PERSONNEL AND PROHIBITING PAYMENTS OF SIMILAR
BENEFITS IN FUTURE YEARS UNLESS DULY AUTHORIZED BY THE PRESIDENT**

WHEREAS, the faithful implementation of statutes, including the Administrative Code of 1987 and all laws governing all forms of additional compensation and personnel benefits is a Constitutional prerogative vested in the President of the Philippines under Section 17, Article VII of the 1987 Constitution;

WHEREAS, the Constitutional prerogative includes the determination of the rates, the timing and schedule of payment, and final authority to commit limited resources of government for the payment of personnel incentives, cash awards, productivity bonus, and other forms of additional compensation and fringe benefits;

WHEREAS, some government agencies have overlooked said Constitutional prerogative and have unilaterally granted to their respective officials and employees incentive awards;

WHEREAS, the Office of the President issued Administrative Order No. 268, dated February 21, 1992, strictly prohibiting the grant of Productivity Incentive Bonus or other allowances of similar nature for Calendar Year 1992 and future years pending the issuance of the requisite authorization by the President;

WHEREAS, notwithstanding said prohibition some government offices/agencies and government owned and/or -controlled corporations and financial institutions have granted productivity incentive benefits in varying nomenclature and amounts without the proper authorization/coordination with the Office of the President;

WHEREAS, the unilateral and uncoordinated grant of productivity incentive benefits gave rise to discontentment, dissatisfaction and demoralization among government personnel who have received less or have not received at all such benefits;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law and in order to forestall further demoralization of government personnel do hereby direct:

SECTION 1. All agencies of the National Government, including government-owned and/or -controlled corporations and government financial institutions, and local government units, are hereby authorized to grant productivity incentive benefits in the maximum amount of ONE THOUSAND PESOS (P1,000.00) each to their permanent and full-time temporary and casual employees, including contractual personnel with employment in the nature of a regular employee, who have rendered at least one (1) year of service in the Government as of December 31, 1992.

SECTION 2. The prohibition prescribed under Section 7 of Administrative Order No. 268 is hereby reiterated. Accordingly, all heads of government offices/agencies, including government-owned and/or -controlled corporations, as well as their respective governing boards are hereby enjoined and prohibited from authorizing/granting Productivity Incentive Benefits or any and all similar forms of allowances/benefits without prior approval and authorization via Administrative Order by the Office

of the President. Henceforth, anyone found violating any of the mandates in this Order, including all officials/employees and the COA Auditor-in-Charge of such government office/agency found to have taken part thereof, shall be accordingly and severely dealt with in accordance with the applicable provisions of existing penal laws.

Consequently, all administrative authorizations to grant any form of allowances/benefits and all forms of additional compensation usually paid outside of the prescribed basic salary under R.A. No. 6758, the Salary Standardization Law, that are inconsistent with the legislated policy on the matter or are not covered by any legislative action are hereby revoked.

The implementation of Executive Order No. 486 dated November 8, 1991, as amended by Executive Order No. 518 dated May 29, 1992, is hereby deferred until a more comprehensive and equitable scheme for the grant of the benefits that can be applied government-wide is formulated by the Department of Budget and Management.

SECTION 3. The Department of Budget and Management, thru its Compensation and Position Classification Bureau, is hereby directed to undertake a comprehensive review and study of the existing compensation system and policy in the government, and when necessary, formulate/devise a unified and standardized Position Classification and Compensation Plan which will not be limited to basic salary but to include all forms of allowances/benefits and all other forms of compensation.

SECTION 4. All departments, offices and agencies which authorized the payment of CY 1992 Productivity Incentive Bonus in excess of the amount authorized under Section 1 hereof are hereby directed to immediately cause the return/refund of the excess within a period of six (6) months to commence fifteen (15) days after the issuance of this Order.

SECTION 5. The Department of Budget and Management is hereby directed to immediately transfer to the Reserve Control Account as part of CY 1993 mandatory reserves an amount equivalent to the aggregate total of the agency appropriations used for the payment of the Productivity Incentive Benefits and other similar benefits in violation of Administrative Order No. 268. This shall be in addition to the five-percent (5%) reserve mandated pursuant to Section 67 of the General Provisions of R.A. No. 7645, the General Appropriations Act for CY 1993.

SECTION 6. To implement the benefit herein authorized, a Special Account shall be created, to be funded from an additional 5% reserve imposed on all maintenance and other operating expenses of all agencies of the government which is in addition to that imposed under Section 67 of the General Provisions of R.A. No. 7645, and Section 5 of this Order.

SECTION 7. Agencies are hereby allowed to pay the benefit herein authorized out of any available funds prior to the release of the Advice of Allotment.

SECTION 8. Agencies are mandated to submit to the Department of Budget and Management (DBM) a Supplemental Work and Financial Plan to cover the total requirement of the Productivity Incentive Benefit indicating the source of the amount mandated to be immediately transferred to the Reserve Control Account referred to in Section 5 and the additional 5% reserve imposed on all maintenance and other operating expenses referred to in Section 6 of this Order, within fifteen (15) days from the date of the issuance of this Order. In case of failure on the part of government offices/agencies to submit said requirement within the period herein prescribed, the Department of Budget and Management is hereby empowered to determine the specific item from which subject amount will be deducted.

SECTION 9. In the case of government-owned and/or -controlled corporations and government financial institutions the necessary amount shall be sourced fully from their respective corporate funds, and the local government units from their respective local funds.

SECTION 10. Strict compliance by all concerned with the provisions of this Order is enjoined.

SECTION 11. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 19th day of January, in the Year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) ANTONIO T. CARPIO
Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 30
DISMISSING ASSISTANT CITY PROSECUTOR ROMULO T. TORRES
WITH FORFEITURE OF ALL BENEFITS

This refers to the administrative complaint, dated April 19, 1991, against Assistant City Prosecutor Romulo T. Torres of the Office of the City Prosecutor of Cebu for grave misconduct.

Antecedent facts show that Natividad C. Aglipa executed an affidavit, dated February 11, 1991, the pertinent portion of which is quoted hereunder for easy reference, to wit:

“ xxx xxx xxx

5. On December 21, 1990 after attending the Christmas Party of the City Hall employees I went home at around six o'clock. When I alighted at the corner of F. Jaca, x x x I was met by Rolando Dacayana also known and hereinafter referred to as Agong x x x Agong told me that I was invited to Virgie's house which is around five hundred meters from where I was staying;

6. Upon arriving at Virgie's house, I saw Virgie her husband Ciano and Fiscal Torres. I was about to greet them when from behind Agong- pushed me forward and said 'Di ara ang mangingilad'. I already started to utter words asking Agong why I was called 'mangingilad' when Agong went in front of me and slapped me in the face. x x x

7. Later on when I was already standing leaning on one of the chairs and still crying, Fiscal Torres boxed me while Agong hit me in the head. Torres hit me in the stomach x x x

Subsequently, I was made to sit down and say the rosary. Torres said "PAG AMPO DINHA SUNOD PAKAN-ON KA NAMO PAG AYO KAY KARON RA ANG IMONG KATAPUSAN, UNYA DADON KA NAMO SA TAGONOL".

After saying this Torres again hit me in the head, pulled a gun and got hold of my hair and asked me to open my mouth. x x x To his plea Torres shouted at my face and said, 'DI KO SI FISCAL TORRES KARON SI JUDAS KO'.

During all this time I have noticed that Torres and Agong are drunk.

8. As Torres insisted, I opened my mouth and he immediately inserted the barrel of his gun. As he did this suddenly, it hit my lower false teeth which I am still using now and it broke. x x x

After this I was made to stand up, the gun was already placed by Torres in the table. I opened my eyes while still crying and I saw Virgie hand to Torres money. Later Torres asked Agong if Esteban has already arrived. Torres said 'Ni abot na ba si Teban kay ato na ning ipada ning salbahis sa Tagonol'. I later

learned that they were referring to Esteban the CAFGU member and that Tagonol is a known salvaging dumpsite.

xxx

xxx

xxx

11. While we were already inside the house Agong was still outside shouting repeatedly, ‘Mangingilad! Salbahis!’. After locking the front door, I sat as I felt my knees were trembling. Later I learned that my daughter got out of the house and called my mother in our house at Tres de Abril V. Aranas St. My mother subsequently arrived and brought me to the Cebu City medical Hospital where I was examined by Dr. Joseph G. Dacalos and Dr. Jordan J. Pudpud.

Enclosed herewith are photocopies of the medical certificates marked as Annexes # A, B, C which evidences the injury suffered by the affiant, and is made an integral part of this sworn statement.

After receiving medical treatment in Cebu City Medical Hospital, my mother prevailed upon me, notwithstanding my desire to rest, to have the case entered in the police blotter. In the Police Station of Taboan I narrated what I was able to recall at that time.

Enclosed herewith as Annex # D is a photocopy of the entry of the Police Blotter in the Taboan Police Station, which is made an integral part of this sworn Statement;

xxx

xxx

xxx ”

Based on the above affidavit, Cebu City Prosecutor Jufelinito R. Pareja instituted with the Department of Justice (DOJ) an administrative complaint, dated April 19, 1991, docketed as ADM. CASE No. 91-0038, against Assistant City Prosecutor Torres.

In a 1st Indorsement of May 10, 1991, then DOJ Undersecretary Bello directed respondent to file his answer/comment on the complaint and in a memorandum, dated July 10, 1991, DOJ Secretary Drilon preventively suspended respondent for ninety (90) days pending the final investigation of the case. As directed, respondent submitted his answer, attaching therewith several affidavits.

A formal investigation was conducted by the DOJ on October 16, 17, and 18, 1991. Thereafter, the DOJ submitted a memorandum report, dated November 29, 1991, the highlights of which are reproduced hereunder, thus:

“

xxx

xxx

xxx

“The complainant presented during the formal investigation of the case her sworn complaint against respondent prosecutor and machine copies of the Police Blotter of the Taboan Police Station including the medical certificate issued by the physicians of the Cebu City General Hospital who treated her immediately after she was manhandled by Prosecutor Romulo T. Torres.

“The respondent, on his part, presented the spouses Feliciano and Virginia Mandipol, Fortunato Abarca and Melvin Ocampo who all testified that Natividad Aglipa is a known swindler and when she arrived at the Mandipol residence she was apparently drunk. These witnesses testified she was only admonished by

Prosecutor Romulo T. Torres and Rolando Dacayana to stop her unscrupulous means of earning a living. The witnesses claimed that no mauling incident ever transpired, nor was there any heated argument.

“ XXX XXX XXX

“During the hearing, the witnesses for respondent claimed that Natividad C. Aglipa filed charges against Prosecutor Romulo T. Torres because she got embarrassed when the prosecutor admonished her and she wanted to get even with the prosecutor.

“It was observed, however, by the Department of Justice that complainant and respondent have known each other long before the incident and there is no existing animosity between them which would prompt the complainant to file a baseless complaint.

“After a careful perusal of the pleadings submitted by the parties concerned, and hearing their testimonies during the formal investigation, including the witnesses, the Department of Justice finds the defense put up by the respondent devoid of merit.

“As a general rule, the number of witnesses presented cannot overcome the testimony of a more credible witness. The witnesses presented by the respondent were dove-tailing as to the events that transpired prior, during and after the mauling incident. These witnesses claimed that there was no heated argument that transpired that fateful night, however, the respondent prosecutor admitted in his counter-affidavit that a heated argument transpired when he confronted and admonished the complainant as to her malicious ways of swindling other people. If there was such a heated argument, and if complainant really shouted at the top of her voice, the other witnesses would not have missed noticing the incident.

“ XXX XXX XXX

“The medical certificates presented, including the records gathered by the undersigned from the hospital where complainant sought medical assistance, would show that complainant suffered injuries on the night she was unlawfully manhandled. The injuries sustained by complainant were seen and examined by licensed physicians and could not possibly have been maliciously self-inflicted.

“ XXX XXX XXX

“The counter-affidavit submitted by respondent Prosecutor Romulo T. Torres overturned the credibility of the same witnesses he presented. The counter affidavit submitted overshadowed the testimonies of the witnesses that no heated argument transpired between the complainant and the respondent.

“Although respondent was able to present witnesses for his defense, still, the injury sustained by the victim Natividad C. Aglipa speaks for itself, that is: that she was mauled on December 21, 1990. The complainant’s testimony is more convincing and credible than the defense witnesses. In passing, firearms are

being issued by the City Government of Cebu City to the City Prosecutor for self-defense and protection.”

In all, the DOJ found that Torres unlawfully manhandled and physically harmed complainant Aglipa with the use of a firearm subjecting complainant to pain, humiliation, and extreme fear. Accordingly, that department recommended the dismissal of respondent from the service with forfeiture of all benefits.

After a circumspect study of the records, I found the indisputable fact that, after respondent confronted Aglipa in the house of Spouses Mandipol in the night of December 21, 1990, Aglipa sustained injuries that could not have been self-inflicted; that complainant was not impelled by vindictive motivations in filing the herein complaint; and that the herein complaint is supported by evidence sufficient to establish the guilt of respondent.

The affidavit of complainant, as substantiated by medical certificates (Annexes “A”, “B”, “C”) and the Police Blotter (Annex “D”), is more credible, as correctly found by the DOJ, than the inconsistent affidavits and conflicting testimonies of respondent’s witnesses.

Inflicting bodily harm on a helpless woman under humiliating circumstances is by itself odious. It becomes contemptible if a public official tasked with prosecution of crimes commit the offense. Such an officer does not deserve to remain in the public service.

WHEREFORE, premises considered, Assistant City Prosecutor Romulo T. Torres is hereby found guilty of grave misconduct. Accordingly, and as recommended by the Department of Justice, he is hereby DISMISSED from the service with the forfeiture of all benefits, effective fifteen (15) days after his receipt of a copy of this Order pursuant to Book VII, Chapter 3, Section 15, of the 1987 Administrative Code.

DONE in the City of Manila, this 21st day of January, in the year of Our Lord, nineteen hundred and ninety- three

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 31
SUSPENDING ATTY. NINI CRUZ-ALCALA FROM OFFICE AS
SECOND ASSISTANT CITY PROSECUTOR OF OLONGAPO CITY

This pertains to the administrative complaint filed by Atty. Ernesto A. Gonzales, Jr., against respondent Nini Cruz-Alcala, Second Assistant City Prosecutor of Olongapo City, for alleged manifest partiality and undue delay in the resolution of criminal complaints filed by herein complainant's client, Ricky Pulido, before the Office of the City Prosecutor, Olongapo City.

It appears that the instant administrative case arose from the dismissal of the criminal complaints against Atty. Lourdes I. De Dios for Grave Coercion, which were docketed as I.S. Nos. 89-309 and 89-388.

In his letter-complaint of March 7, 1990, complainant alleged that respondent connived with Atty. De Dios in exerting undue influence and intimidation upon Ricky Pulido to execute an Affidavit of Desistance that resulted to the dismissal of the aforementioned criminal complaints.

Complainant averred that respondent exhibited manifest partiality in dismissing said criminal complaints, since Atty. De Dios was her close friend. Complainant also maintained that respondent disregarded the established office procedure in administering the oath on the Affidavit of Desistance. Further, he charged respondent with undue delay in the resolution of said criminal cases.

Respondent denied the charges against her. Respondent alleged, among other things, that she has always been impartial in discharging the functions of her office; that she never intimidated Ricky Pulido to execute an Affidavit of Desistance in connection with the aforementioned criminal complaints; and that Ricky Pulido was apprised of the consequences of his act before he voluntarily executed said affidavit.

With regard to the charge of undue delay in resolving the cases, she attributes the same to her work load, as she performs a number of official capacities.

After a formal investigation, the Secretary of Justice, in his letter to this Office, dated May 16, 1991, made the following observations and recommendations:

“Before us are two (2) issues: First, whether or not the respondent committed manifest partiality, thereby giving undue advantage to the client of her friend, Atty. Lourdes I. De Dios; and Second, whether or not there was undue delay in the resolution of I.S. Nos. 89-309 and 89-388 constitutive of a violation of Department Circular No. 27, series of 1988.

“After a thorough examination of the record, we find that the charge of manifest partiality had not been sufficiently substantiated nor satisfactorily proven. The complainant failed to show by convincing evidence that the respondent had exerted undue influence on Ricky Pulido in the execution of his Affidavit of Desistance. It would have been expedient on complainant's part to present Ricky Pulido himself to testify and attest to the alleged undue influence or intimidation, however, he did not do so. Such omission was fatal to his cause. Instead, complainant relied on evidence which are mainly hearsay and speculative,

not having been personally present during the occurrence of the transaction under consideration. Neither does the fact what Ricky Pulido received by virtue of his Affidavit of Desistance was much less than what is claimed to be the 'true' value of the properties (sic), absent evidence [of the] value of the properties, absent evidence to conclusively show the exact value thereof, prove that an advantage was unduly accorded to Atty. Lourdes I. De Dios by virtue of the respondent's actuations. Furthermore, there is no known rule of procedure or office regulation which would require that a document has to be notarized by a private lawyer prior to an acknowledgment or confirmation before a prosecutor or officer authorized to administer oath. The alleged 'established office procedure' does not exist in fact and in law.

"Parenthetically, however, we believe that the more prudent course of action which the respondent should have observed was to voluntarily inhibit herself from resolving the cases (I.S. Nos. 89-309 and 89-388) on the ground that one of the counsels involved in the same was her close, personal friend. Public officials are indubitably enjoined to observe a certain degree of ethical standard not unlike that of Caesar's wife who must be above reproach and approach, but must also be perceived to be such.

"With respect to the issue of undue delay, we find that the respondent is, indeed, liable therefor. The respondent, in her testimony, admitted that the cases had not been resolved from the time these were assigned to her up to and until 16 February 1990 (TSN, p. 15, 08 August 1990). A period of eight (8) months had, therefore, lapsed before the cases were finally acted upon by the respondent, in clear contravention of the mandate of Department Circular No. 27, series of 1988 which requires the disposition of cases within a period of sixty (60) days from receipt, unless this period is extended, on valid and meritorious grounds, by the Chief State Prosecutor or the City/Provincial Prosecutor. There is no showing that an extension had been requested and granted to the respondent so far as the cases were concerned.

After going over the records of the case, I agree with the finding of the Secretary of Justice that there is no evidence on record to substantiate the charge of manifest partiality. I also concur with the finding of the Secretary of Justice that the delay of respondent in the resolution of the aforesaid criminal complaints is not justified.

WHEREFORE, and as recommended by the Secretary of Justice, Atty. Nini Cruz-Alcala is hereby suspended from office as Second Assistant City Prosecutor of Olongapo City for one (1) month without pay, effective fifteen (15) days after receipt of a copy of this Order by respondent.

This Administrative Order shall take immediately.

DONE in the City of Manila, this 21st day of January, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) ANTONIO T. CARPIO
Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 32
CONSTITUTING THE COUNCIL OF ADVISERS ON ENERGY AFFAIRS

WHEREAS, under Section 2 of Republic Act No. 7638 “THE DEPARTMENT OF ENERGY ACT OF 1992”, it is declared the policy of the State, among other things, “to ensure a continuous, adequate and economic supply of energy with the end in view of ultimately achieving self-reliance in the country’s energy requirements, through the integrated and intensive exploration, production, management and development of the country’s indigenous energy resources, and through the judicious conservation, renewal and efficient utilization of energy to keep pace with the country’s growth and economic development and taking into consideration the active participation of the private sector in the various areas of energy resource development.”

WHEREAS, in implementation of this state policy particularly the active participation of the private sector in the various areas of energy resources and development, the aforesaid law under Section 14 thereof provides:

“SEC. 14. - Council of Advisers on Energy Affairs. - A Council of Advisers on Energy Affairs, consisting of five (5) members, and appointed from the industry, labor and consumer sectors, shall advise the President on the over-all energy program, especially on private sector initiatives and proposals.

The President shall convene the Council within thirty (30) days upon approval of this Act.”

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law do hereby constitute the COUNCIL OF ADVISERS ON ENERGY AFFAIRS whose composition, task, term of office and other administrative matters relative thereto are hereunder set forth:

SECTION 1. *Composition and Term of Office*. - The Council shall be composed of five (5) representatives from the industry, labor and consumer sectors to be appointed by the President for a term of one (1) year beginning from the date of their appointment.

SECTION 2. *Task*. - The Council shall advise the President on the government’s overall energy program, especially on private sector initiatives and proposals.

SECTION 3. *Coordination with the Department of Energy and other Agencies*. - In formulating such rules and regulations as may be necessary for the effective discharge of its task and responsibilities, the Department of Energy is directed to provide for effective coordination and consultation mechanisms with the Council.

As it may deem necessary, the Council is hereby authorized to coordinate with and seek the assistance of concerned government as well as private entities in the lawful pursuit of its task.

All governments units are directed to provide assistance and support to the Council.

SECTION 4. *Secretariat*. - The Planning Unit of the Department of Energy shall act as the Secretariat of the Council.

SECTION 5. *Budget.* - The Council shall be provided an initial budget to be determined and approved by the President upon the recommendation of the Secretary of the Department of Energy. Subsequent appropriations shall be included in the request for budget of the said Department.

SECTION 6. *Effectivity.* - This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 26th day of January, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **ANTONIO T. CARPIO**

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). [*Administrative Order Nos.: 1 - 100*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 33
CREATING A NATIONAL COMMITTEE FOR THE COMMEMORATION CELEBRATION OF
THE SEVENTH ANNIVERSARY OF THE FEBRUARY 22-25, 1986 REVOLUTION

WHEREAS, the February 22-25, 1986 EDSA Revolution restored democratic institutions and ushered in meaningful political, social and economic reforms;

WHEREAS, the triumph of this Revolution was anchored upon People Power, the spontaneous demonstration of the citizens' solidarity in seeking to transform Philippine society and chart a new course for their nation by linking arms and courageously asserting their democratic right;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby create a National Committee for the Commemoration of the February 22-25, 1986 Revolution.

The Committee shall be composed of National Defense Secretary Renato de Villa as Chairman and Council of the Laity Chairman Antonio de los Reyes as Co-Chairman. The Committee shall have the following members:

1. Representative of the Office of the President;
2. Secretary of Public Works and Highways;
3. Secretary of Transportation and Communications;
4. Secretary of Budget and Management;
5. Secretary of Interior and Local Government;
6. Press Secretary;
7. President of the League of Governors;
8. Chairman of Metro Manila Authority; and
9. Representative from NGOs.

The Committee shall have the following functions:

1. Formulate and implement a comprehensive plan for the commemoration of the Seventh Anniversary of the February 22-25, 1986 EDSA Revolution. Austerity and volunteerism will be observed.
2. Direct, supervise and coordinate the participation of all sectors who would like to celebrate the Seventh Anniversary of the EDSA People Power Revolution of February 22-25, 1986.

The Committee shall coordinate with the Office of the Executive Secretary, through the Head of the Presidential Management Staff (PMS), for the purpose of planning and mobilizing resources in connection with this celebration.

The Committee may call upon any government instrumentality to render the necessary assistance for the celebration.

The Secretary of Budget and Management is hereby directed to allocate the amount necessary to support this activity.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 2nd day of February, in the year of our Lord nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

BY THE PRESIDENT:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 34
IMPOSING A FINE ON ELENITA E. CORPUZ, REGISTER OF DEEDS OF BULACAN

This refers to the administrative complaint filed by Carmelita Areno against Atty. Elenita E. Corpuz, Register of Deeds of Bulacan, for Negligence and Violation of LRC Circular No. 182, dated October 1968.

In his letter of July 30, 1992, the Justice Secretary, in relation to the above-complaint, submitted his report and recommendation, which reads:

“Briefly, the facts of the case are as follows:

1. On 12 January 1987, in the Branch Registry of Deeds in Meycauayan, Bulacan, then Deputy Register of Deeds Violeta Lincallo-Garcia registered a ‘Bilihang Tuluyan ng Bahagi ng Isang Sukat ng Lupang Bakuran’ executed by spouses Renato Alcala and Josefina Areno on 30 November 1986 in favor of Rosa Maria Areno. The document was annotated at the back of OCT No. 0-4(M) in the name of Rosa Areno and spouses Renato Alcala and Josefina Areno Alcala, as Entry No. 190974(M).

2. On 8 April 1987, Respondent Elenita E. Corpuz, who assumed the duties of Register of Deeds of the said Branch for the period April 1987 to 4 August 1987, registered a ‘Kasulatan ng Kasunduan sa Paghahati-Hati ng Isang Sukat ng Lupang Bakuran na may Pagwawaksi’ executed by the Heirs of Conrado Areno on 11 August 1986. On the basis of this document, purportedly acknowledged before Notary Public Amador M. Mirasol of Hagonoy, Bulacan on 11 August 1986. Respondent cancelled OCT No. P-656(M) in the names of the Heirs of Conrado Areno. In lieu thereof, she issued TCT Nos. T-2125 to T-7129, inclusive, the owner’s duplicates by presentor Dionisio Ignacio on 23 April 1987. The document registered by Respondent contained unauthenticated erasures and/or alterations at the portion of the notarized acknowledgment. Upon verification, the document was previously acknowledged before Notary Public Anastacio Marcelo on 11 August 1986 as Doc. No. 234, Page No. 47 and Book No. I, Series of 1986.

3. In a letter dated 10 December 1987, Ms. Carmelita Areno complained about the alleged inaction by said Branch on her request dated 29 June 1987 for the issuance of Certified true copies of OCT Nos. 0-4(M) and P-656(M); and the anomalies registration of an allegedly tampered document. She charged that despite the erasures and alterations in the

documents, Respondent cancelled OCT No. P-656 (M) and issued new titles in its stead.

4. After a factual investigation, LRA Administrator Teodoro Bonifacio, in a letter dated 7 July 1988, directed Respondent to show cause why no administrative disciplinary action should be taken against her for Negligence and for violation of LRC Circular No. 182.

“In her sworn answer dated 18 July 1988, Respondent states that as Register of Deeds, she is not ‘empowered to determine the validity or authenticity’ of documents presented for registration; that the ‘seeming erasures in the acknowledgment portion of the kasulatan (were) inconsequential insofar as the rights and interests of the parties to the deed of partition (are) concerned’; that the ‘forum within which to challenge the efficacy of the kasulatan will be in court, because the respondent’s duty under the circumstances is purely ministerial’. Further, she averred that she acted promptly on the request of Complainant; that she advised Complainant to wait and to give Robert Bartlett ample time to locate the missing title; and that the delay was occasioned by extreme pressure of work and excusable under LRC Circular No. 182.

“The LRA Administrator finds Respondent guilty only of violation of LRC Circular No. 182 and recommends the imposition of fine equivalent to her two (2) months’ salary with an admonition to exercise prudence in registering documents with erasures by means of a thorough verification and examination to avert a repetition of the same or similar incident in the future.

“LRC Circular No. 182 dated 31 October 1965 provides, as follows:

‘One of the primary concerns of this Commission is to have all papers submitted or coursed to it acted upon promptly x x x all concerned are hereby directed to dispatch within twenty-four (24) hours or at most seventy-two (72) hours from receipt thereof all official papers assigned or referred to them for actions x x x.’”

“We believe that Respondent should not be held liable for violation of the aforecited circular. The Record shows that on 30 June 1987 when complainant first made her request, Respondent called the attention of the vaultkeeper, Robert Bartlett who had custody of the titles. Mr. Bartlett explained that the titles could not be located at the moment, and besides there were others who came ahead of Complainant, hence, he was unable to attend to her immediately. At this point, Complainant allegedly left the Office in an angry manner, threatening to report the matter to a ‘certain judge of the Sandiganbayan’, prompting Respondent to make an official record of the incident.

“We find that the alleged delay in the issuance of the certificate was not attributable to Respondent. As the supervisor of Mr. Bartlett, she had performed her duty by calling the vaultkeeper’s attention when Complainant sought her assistance. Under the circumstances, it was impossible for Respondent to give personal attention to each and every request for certified copies. It cannot be

gainsaid that the tasks of a Register of Deeds as head of a Registry of Deeds Branch are innumerable. Besides she had other duties outside the said Branch inasmuch as she was not a full-time Register thereat, reporting only on Tuesdays and Thursdays, or twice a week. It would therefore be unreasonable to expect Respondent to neglect her other duties in order to personally search for the misplaced titles.

“Moreover, it is evident that Complainant herself did not take steps to follow through her request. The Record indicates that she came back to the Office in the morning of 17 July 1987 or sixteen (16) days after she initially filed her request. It is noted that Respondent was not present on that day inasmuch as it was a Friday. As it happened, Complainant had to come back on 21 July 1987, (a Tuesday) in order that she could confront Respondent with the directive of the LRA Administrator. Perhaps if Complainant had manifested the urgency of the request by returning before sixteen days had elapsed, her request could have been acted upon with more dispatch.

“On the other hand, we find the charge of negligence against Respondent to be meritorious. As Complainant contends, Respondent acted negligently in giving effect to a tampered document thereby causing damage to her. Indeed a mere glance at the document’s third page or acknowledgment portion reveals most glaringly the erasures and alterations thereon such that no one who would look at the document could fail to take immediate notice.

“Respondent’s denial or her inability to remember any erasures on the ‘Kasulatan’ is self-serving. The document speaks for itself. Likewise the testimony of the two (2) examiners who processed the ‘Kasulatan’ before presenting it to Respondent for her signature that they do not remember anything unusual in the document cannot be relied upon. The facts remain that their initials as well as Respondent’s signature are affixed on the said document and that none of them bothered to have the alterations authenticated showing a careless disregard of basic or elementary procedure.

“As aptly stated in the report of the investigating officer, ‘(I)t is an elementary procedure that when a document presented for registration, like the subject document (‘Kasulatan’), contains erasures, the Register of Deeds should exercise caution in effecting its registration. He/she should first require the authentication of the erasures/corrections by requiring the presentor to submit pertinent papers explaining the corrections. It is admitted by Respondent Register of Deeds that she did not pay attention to the erasures/corrections on the document, instead, proceeded with its registration, claiming that her duty is only ministerial.’ (Record p. 8, Underscoring supplied) During the hearing of the case, Respondent even declared that she did not care whether the instrument is ‘valid or not’. x x x.

“Wherefore, premises considered, we recommend that Atty. Elenita Corpuz be exonerated of the charge of violation of LRA Circular 182. However, she should be found guilty of negligence for registering an instrument containing erasures/alterations without requiring the authentication thereof. Accordingly, she should be meted the penalty of fine equivalent to her three months’ salary, in accordance with the CSC Memorandum Circular No. 8, series of 1970, with the

stern warning that a repetition of the same offense in future shall be dealt with more severely.”

Taking into account the foregoing report and documents relevant to the case, there is hardly no prima facie basis to administratively proceed against respondent for violation of LRC Circular 182. However, from the evidence adduced, I find that respondent’s actuation constitutes negligence in the performance of her duties as Register of Deeds warranting administrative sanction.

Administrative negligence is lack of due care and failure to perform a duty that one owes to the injured party. Negligence arises out of an omission to act when there is an obligation to perform some facts (*Recto vs. Racelis*, 70 SCRA 438).

It was established that respondent who is in charge of registering documents did not exercise caution in effecting registration of the subject tampered document. As admitted, respondent “did not pay attention to the names/corrections on the document, instead, proceeded with its registration, claiming that her duty is only ministerial.” This actuation is compounded by the fact that, during the hearing, respondent “even declared that, she did not care whether the instrument is valid or not.” Respondent betrayed a total lack of concern for the welfare and interest of the party dealing with the Registry of Deeds when she did not exert effort to authenticate the erasures/corrections by requiring the presentor to submit pertinent papers explaining the corrections. By her omission, she has not caused only damage to complainant, but more importantly has placed the office where she works in a bad light. By ordinary standards, respondent’s omission constitutes negligence which justifies the penalty recommended by the Justice Secretary.

WHEREFORE, Atty. Elenita E. Corpuz is adjudged guilty of negligence and, as recommended, she is hereby meted the penalty of fine equivalent to three months salary, with the warning that the same or similar inaction in the future will be dealt with more severely, effective fifteen (15) days after receipt of a copy hereof.

Done in the City of Manila, this 4th day of February, in the year of Our Lord nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) ANTONIO T. CARPIO
Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). [*Administrative Order Nos.: 1 - 100*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 35

DELINEATING THE FUNCTIONS AND RESPONSIBILITIES OF THE CHAIRMAN AND MEMBERS OF THE PROFESSIONAL REGULATION COMMISSION AS A COLLEGIAL BODY AND THOSE OF THE COMMISSION CHAIRMAN/COMMISSIONER AS HEAD OF OFFICE

WHEREAS, Presidential Decree No. 223, dated June 22, 1973, created the Professional Regulation Commission composed of a full-time Commissioner, who shall act as Chairman, and two (2) full-time Associate Commissioners as members, and which as a body shall exercise general administrative, executive and policy-making functions;

WHEREAS, administrative supervision over the Professional Regulation Commission rests with the Office of the President as an attached agency thereof;

WHEREAS, the President, pursuant to Section 31, Chapter 10, Book III of Executive Order No. 292, otherwise known as the Administrative Code of 1987, is vested with continuing authority to reorganize his Office which include the Office of the President Proper and the agencies under its administrative control and/or supervision;

WHEREAS, there is a need to delineate and clarify the functions and responsibilities of the Commission as a collegial body, and those of the Commission Chairman as Head of Office, to enhance its administrative efficiency and to more effectively and expeditiously attain the Commission's goals and objectives;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Functions and Responsibilities of the Commission as a Collegial Body.* - The Commission shall as a body:

1. Promulgate policies with respect to the regulations and licensing of the various professions and occupations under its jurisdictions;
2. Fix the date and venue of the various licensure examinations;
3. Review and act on administrative cases decided by the various regulatory boards, which are appealed to the Commission;
4. Deliberate on the appointments, promotions and imposition of administrative disciplinary action on personnel of the Commission, whenever such act could affect their rank and/or employment status;
5. Approve purchase orders, job orders and contracts for the purchase of supplies, materials and equipment, and non-infrastructure repair works; and for security/janitorial services either through bidding or negotiation, in accordance with existing laws; and
6. Do or perform all acts necessary to effectively carry out its powers, duties and functions provided for under Section 5, PD No. 223, and the various provisions of professional regulatory laws, decrees and orders.

SECTION 2. *Functions and Responsibilities of the Commission Chairman as Head of Office.* -

The Commission Chairman as Head of Office shall have all the powers of the Chief Executive of the Office under Section 29, Chapter 6, Book IV, of the Administrative Code of 1987. He shall:

1. Exercise supervision and control over all personnel of the Commission, including their assignment/reassignment, as well as the hiring of other personnel from government offices or private sector to assist or to supervise in the conduct of licensure examinations;
2. Direct and supervise the preparation of the budget for the Commission, and to sign or approve financial reports;
3. Approve vouchers and sign checks for all expenses and disbursements, and delegate the same power to the Executive Director for expenses and disbursements not to exceed P50,000.00;
4. Issue and/or approve travel orders, itineraries of travel, and claims for travel expenses of all Commission personnel, including the Chairman and Members of the Regulatory Boards;
5. Sign all office documents, letters and communications for the Commission; and
6. Act on all other matters relating to the implementation and execution of policies promulgated by the Commission.

SECTION 3. *Effectivity.* - This Executive Order shall take effect upon its approval.

DONE in the City of Manila, this 9th day of February, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **ANTONIO T. CARPIO**

Chief Presidential Legal Counsel

Source: Malacañang Records Office

Office of the President of the Philippines. (1993). [*Administrative Order Nos.: 1 - 100*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 36
DISMISSING FROM THE SERVICE ATTY. ENGELBERTO T. DE CASTRO, REGISTER OF
DEEDS OF OLONGAPO CITY

This is an administrative case against Atty. Engelberto T. de Castro, Register of Deeds of Olongapo City, for Dishonesty.

The case arose from an undated telegram and letter-protest dated January 12, 1990, of Olongapo City Mayor Richard Gordon, opposing the appointment of respondent De Castro as Register of Deeds of Olongapo City, who has since assumed his position as such pursuant to the appointment extended him by the then President on December 5, 1989, or alleged involvement in the mass fraudulent registration of voters while then Election Registrar of Olongapo City in 1987.

In a preliminary inquiry conducted by the Justice Department, it was found that, based on the circumstances surrounding respondent's appointment as Register of Deeds of Olongapo City, a *prima facie* case exists against him for Dishonesty. Thus, on February 27, 1990, he was formally charged with Dishonesty for having deliberately withheld and omitted certain facts material in the evaluation of his qualifications in relation to his application for appointment to the position of Register of Deeds.

In his letter-reply of March 15, 1990, respondent denied the charge as baseless and claimed that it was intended merely to harass him. He alleged that when he was interviewed by then Justice Secretary Sedfrey Ordoñez, he confided his employment history, including his employment with the COMELEC, and the criminal complaints previously filed against him. He then opted for a formal investigation, which was promptly conducted by the Department of Justice.

After due hearing, the Investigating Committee created under Department of Justice Circular No. 42, dated March 6, 1990, found the charge against respondent to be amply substantiated, based on the following factual findings:

- (a) In Item No. 20 of the Personal Data Sheet (CSC Form 212), requiring the disclosure of his previous and current employment history, respondent failed to reveal his previous employment with the COMELEC as against the documented fact of record that he was appointed as Election Registrar IV of Olongapo City in 1987.
- (b) In the Bio-Data enclosed to his letter-application, dated November 20, 1989, respondent likewise did not state the fact of his prior employment as COMELEC Election Registrar of Olongapo City in 1987.
- (c) In Item No. 25 of the Personal Data Sheet (CSC Form 212), which requires an answer to the question "Do you have any pending administrative/criminal case? If you have, give particulars", respondent wrote "NONE". The records disclose that the following criminal complaints were previously filed against him to wit: 1) I.S. No. 1860-72 (for Estafa); 2) I.S. No. 2089-79 (Estafa); and 3) I.S. No. 1306-76 (for Robbery With Force and Intimidation Against Person), all before the Office of the Prosecutor of Olongapo City. While all the above-mentioned cases had been dismissed, respondent failed to reveal the facts and circumstances thereof, which are material in the evaluation of his character and fitness for the position he applied for, considering that the criminal offense

of estafa involves moral turpitude and that the dismissal thereof did not amount to the acquittal of respondent.

- (d) In Item No. 26 of the Personal Data Sheet (CSC Form 212), which requires a categorical answer to the question, “Have you ever been retired, dismissed, forced to resign from any employment for reasons other than lack of funds or dropped from the roll?”, respondent replied “No”. The records, however, show that he was appointed Election Registrar IV under probationary status on August 19, 1987, and the COMELEC *en banc*, in its Minute Resolution No. 87-1568, dated December 9, 1987, had resolved to drop respondent from the rolls of Comelec employees for his continuous defiance of an order directing him to report to the COMELEC Regional Office in San Fernando, Pampanga.

Based on the foregoing, the Acting Secretary of Justice, in a letter to this Office, dated July 31, 1991, recommended that respondent be dismissed from the service for deliberately concealing material facts about his previous employment and criminal record to mislead the appointing authority that he has an unblemished employment record and possesses the requisite integrity and qualifications required for appointment to the position of Register of Deeds, which concealment of material facts is tantamount to dishonesty.

After careful review, we find Atty. De Castro guilty of dishonesty in not disclosing his previous employment with COMELEC and his subsequent dropping from its rolls. However, we find that the non-disclosure of the prior criminal charges filed against De Castro to be justified. The Personal Data Sheet asked for “any pending administrative/criminal case”. At the time he filled-up his Personal Data Sheet, indeed, De Castro had no pending criminal case. The last charge having been dismissed thirteen years before he filled-up CSC Form No. 212.

WHEREFORE, and as recommended by the Acting Secretary of Justice, Atty. Engelberto T. De Castro is hereby **DISMISSED** from the service as Register of Deeds of Olongapo City, effective **fifteen (15) days** after receipt by respondent of a copy of this Order.

DONE in the City of Manila, this 9th day of February, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 37

DECLARING THURSDAY, FEBRUARY 25, 1993, AS NATIONAL PEOPLE'S DAY AND
DIRECTING ALL PROVINCIAL AND CITY GOVERNMENTS TO CONDUCT PEOPLE'S DAY
ACTIVITIES IN THEIR RESPECTIVE AREAS

WHEREAS, the February 22-25, 1986 EDSA Revolution restored democratic institutions and ushered in meaningful political, social and economic reforms;

WHEREAS, the triumph of this Revolution was anchored upon People Power, the spontaneous demonstration of the citizens solidarity in seeking to transform Philippine society and chart a new course for their nation by linking arms and courageously asserting their democratic right;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct the observance by all provincial, city and municipal governments of the following guidelines in the celebration of February 25, 1993 as National People's Day:

Section 1. *Flag-raising Ceremony*. Flag-raising ceremonies shall be held at all Provincial Capitols and City and Municipal Halls at 8:00 a.m. on February 25, 1993.

Section 2. *Local People's Day*. All heads of provincial, city and municipal governments shall open their respective offices and make themselves available to the public for consultation from 8:30 a.m. to 3:00 p.m. in a manner similar to the conduct of People's Day activities in Malacañang. National government agencies with provincial, city and municipal offices shall also make themselves available to the public within the compound for consultation and the provision of their respective services.

All national government agencies with provincial, city and municipal offices shall coordinate with the concerned local government units (LGUs) for the purposes of planning and mobilizing resources in connection with this celebration.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 16th day of February, in the year of our Lord nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

BY THE PRESIDENT:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 38

DISMISSING TEODORO P. DUKA, PROVINCIAL AGRARIAN REFORM ADJUDICATOR (PARAD), DEPARTMENT OF AGRARIAN REFORM, FROM THE SERVICE WITH PREJUDICE TO RE-EMPLOYMENT IN THE GOVERNMENT SERVICE.

This refers to the administrative case filed by the Department of Agrarian Reform (DAR) against Atty. Teodoro P. Duka, Provincial Agrarian Reform Adjudicator (PARAD), DAR, Region VI, for “Grave Misconduct, Gross Insubordination, Gross Ignorance of the Law, Inefficiency and Incompetence in the Performance of Official Duties, Inefficiency and Incompetence in the Performance of Official Duties, Frequent Unauthorized Absences, Refusal to Perform Official Duty, Absence without Leave and Conduct Grossly Prejudicial to the Best Interest of the Service”.

Antecedent facts show that, in the Formal Charge of May 20, 1992, signed by Secretary Renato B. Padilla, Officer-in-Charge (OIC), DAR, Atty. Duka was required to answer the above-mentioned charges committed as follows:

“As Trial Attorney, you were re-assigned in Kalibo, Aklan, on May 5, 1975, under Team Leader Oscar Reloj. But you reported for duty only once, on August 19, 1975, and thereafter you failed to report to your place of assignment;
Absence, without authorized leave, from the month of May 1986 to August 1986, wherein Regional Director Dinsay issued a Memorandum directing you to explain, within 72 hours, such absence without leave;
Failure to observe office rules and regulations and the Civil Service Law by not submitting the required Daily Time Records (DTRs) and the New Performance Appraisal Forms (NPAs);
The issuance of a Regional Special Order, dated September 5, 1984, without authority;
Failure to comply with the directive of the Secretary, as embodied in a Memorandum dated September 25, 1991, temporarily assigning you to the DAR Regional Office, Region VI, as your new place of assignment;
Failure to file any application for leave after your authorized vacation leave expired on December 27, 1991, likewise, there is no record of any authorized leave for the period November 8, to 29, 1991;
Issuance of the Orders, dated 23 and 24 April 1992, in Case No. 001 to Case No. VI-159-NO-91, entitled, “Guillermo Gomez, Plaintiff, vs. Eriberto Igaras, Defendant,” declaring therein the Memorandum, dated February 12, 1991, of Regional Director Maraya as null and void for being contrary to law and the DARAB rules, ordering PARO Arsenal to issue the clearance for your property accountabilities, and to prepare the voucher for your RATA, without proper authority and which are contrary to law and jurisprudence;

Inspite of the pendency of a Motion for Reconsideration, dated 29 April 1992, filed by PARO Arsenal, you issued a Warrant of Arrest on 30 April 1992, without proper authority and which is contrary to law;
Failure to comply with the instruction of DARAB Executive Director Samson for you to return all Negros Occidental DARAB Cases to RARAD Baril's Office;
Failure to comply with Special Order No. 45, s. of 1991, issued by the Secretary assigning all PARAD's to their respective Regional Offices to constitute a pool of adjudicators reporting directly to the PARADs who shall have the flexibility of assigning them to provinces with the most number of cases."

In the same charge sheet, Duka was preventively suspended and was required to answer under oath the charges in writing within seventy-two (72) hours from receipt thereof. Duka received a copy of the charge sheet on May 26, 1992, as evidenced by the Sheriff's return of service, dated June 1, 1992.

On June 4, 1992, Duka filed his Answer contending that Secretary Padilla is without legal authority to have him investigated; that the formal charge is a complete nullity because it contravenes the due process clause of the Constitution and the rulings of the Supreme Court.

On June 18, 1992, Duka filed with the Court of Appeals a petition for prohibition, mandamus and damages, with a prayer for a preliminary injunctive relief. The petition, docketed as CA-G.R. SP No. 28055, impleaded Secretary Padilla and Negros Occidental Provincial Agrarian Reform Officer (PARO) Alexis Arsenal as respondents. The Court of Appeals per its resolution, dated June 23, 1992, directed respondents to file their answers.

Meanwhile, the administrative case was set for formal investigation on June 27, 28, 29, 30, 1992, at the PARO Office, Bacolod City. On the first day of the scheduled hearing, Duka filed a "motion to resolve pending incidents and to suspend hearing until termination of CA-G.R. SP No. 28055."

In a memorandum dated July 27, 1992, the DAR informed Duka that his motion shall be considered as submitted for resolution and pending resolution thereof, the investigation shall proceed as scheduled. Duka was served a copy of the memorandum per sheriff return of service dated May 4, 1992.

The events that transpired during the hearing was stated in the DAR Order, dated September 25, 1992, to wit:

"During the hearing, Atty. Quirino S. Infante, Counsel for the [DAR] presented [several witnesses]. On the other hand, the Respondent, in spite of due notice, failed to attend the hearings/investigations conducted.

The pertinent portions of the hearing/investigation may be outlined as follows:

A. Counsel for DAR presented witnesses and documentary evidence. ARDA Toledo testified on the veracity of the documentary evidence presented and submitted as part of the records on file at the DAR Regional Office, Region VI, Iloilo City. The documentary evidence are as follows:

1. Certified xerox copy of the telegram dated August 19, 1975 from Team Leader Oscar Reloj to Director Biadora with the information that the Respondent reported to duty only on August 19, 1975 (Exhibit 'MM');
2. Certified xerox copy of the telegram dated September 4, 1975 from Director Biadora to the Respondent regarding the telegram report of Team Leader Reloj that he reported only one day in Kalibo (Exhibit 'NN');

3. Certified xerox copy of the telegram dated September 5, 1975 from Director Biadora to Mr. Jose Bando, Cashier of DAR District Office of Roxas City to suspend payment of Respondent's salary (Exhibit 'OO');
4. Certified xerox copy of the telegram dated September 9, 1975 from Team Leader Oscar Reloj to Director Biadora, with the information that the Respondent [sic] has not reported to duty after the expiration of his leave since August 25, 1975. (Exhibit 'V');

x x x

6. Certified xerox copy of the letter dated October 6, 1975 from District Officer Tadeo C. Andrada to the Regional Director, DAR, Region VI, Iloilo, with the information that Respondent has not reported to Kalibo, Aklan, his official station per Special Order No. 46, dated May 5, 1975 (Exhibit 'QQ');

x x x

9. Certified xerox copy of the telegram dated June 4, 1986 from Teodolfo V. Abiera, District Office, Bacolod City, to the Respondent regarding the latter's failure to report for duty the whole month of May 1986 up to the present (meaning up to June 4, 1986 the date of the telegram) Exhibit 'TT');

x x x

10. Certified xerox copy of a Memorandum dated August 19, 1986 from Director Frank P. Dinsay, DAR Region VI, to the Respondent, whereby he was directed to explain within 72 hours from receipt hereof why he failed to report for duty since May 1986 (Exhibit 'W');

x x x

14. Certified xerox copy of the Memorandum dated September 23, 1991 from Director Antonio Maraya, DAR Region VI, Iloilo City, to inhibit the Respondent from handling DARAB cases in Negros Occidental in view of the highly reliable intelligence reports and feedback to the effect that there is a danger on the life and limb of the Respondent (Exhibit 'RR');
15. Certified xerox copy of the Radiogram dated September 24, 1991 from then Secretary Benjamin T. Leong to RARAD Hilario Baril, DAR Region VI, Iloilo City, to withdraw from the Respondent any and all cases in Negros Occidental (Exhibit 'LL');
16. Certified xerox copy of the Memorandum dated September 25, 1991 from Secretary Leong to the Respondent, hereby directing the latter to inhibit himself from handling cases within the territorial jurisdiction of the Province of Negros Occidental and to transfer all pending cases for adjudication to Atty. Baril, RARAD. The Respondent was also directed to submit the status of cases handled/action/decisions taken therein. He was temporarily assigned to the Regional Office under the direct supervision of Regional Director Maraya (Exhibit 'SS');

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17. Certified xerox copy of the Memorandum dated February 12, 1992 from Director Antonio Maraya to the Respondent, reminding him (DUKA) of his unauthorized absences from January 2, 1992 up to this date (meaning up to February 12, 1992, the date of Memorandum) and the directive of the Secretary temporarily assigning him to the Regional Office under the direct supervision of Regional Director Maraya (Exhibit 'Z');
- B. On the allegations that the issuance of Orders dated 23 and 24 April 1992, in the case of Guillermo Gomez vs. Eriberto Igaras, declaring the Memorandum dated February 12, 1991, of Regional Director Maraya as null and void and on the illegal issuance of warrant of arrest against PARO Arsenal of Provincial Agrarian Reform Office, Bacolod City PARO Arsenal testified before the investigators, and in support of his oral testimony, the following documentary evidences were submitted:
1. Certified xerox copy of the Order dated April 23, 1992 issued by the Respondent in the case, entitled, 'Guillermo Gomez vs. Eriberto Igaras', declaring the Memorandum dated February 12, 1992 of Regional Director Maraya, DAR, Region VI, Iloilo City, as null and void for being contrary to law and the DARAB rules, and ordering PARO Arsenal to issue clearance for his property accountabilities within thirty (30) days from receipt of this Order (Exhibit 'B');
 2. Certified xerox copy of the Order dated April 24, 1992 issued by the Respondent wherein PARO Arsenal was ordered to prepare the necessary voucher for the payment of his (DUKA) RATA and the failure or refusal to comply with the order will constrain this Adjudicator to issue corresponding warrant of arrest and to cause his detention at the City jail of Bacolod City until he has fully complied with this order (Exhibit 'H');

x x x

4. Certified xerox copy of the Warrant of Arrest dated April 30, 1992 at Bacolod City, addressed "TO ANY OFFICER OF THE LAW", to arrest and detain PARO Arsenal until he shall have deposited with the Acting Clerk of Court, Office of the PARAD, DAR, Bacolod City, the cash amount of Nine Thousand Six Hundred (P9,600.00) Pesos and if he refused to deliver said amount, PARO Arsenal must be detained at the nearest city or government jail until further orders (Exhibit 'C');

x x x

- C. Atty. Gil Alegario, PARAD, Mr. Marcelino Vasquez, PARAD Clerk of Court designate, and Ms. Fevic Gargantiel, PARAD Clerk, testified that the Respondent continued to adjudicate DARAB cases after he was assigned by the Secretary on September 25, 1991 to the DAR Regional Office, Region VI, Iloilo City, and ordered to inhibit himself to handle cases in the Province of Negros Occidental. (Exhibit 'S', 'T') and after he was preventively suspended by OIC-Secretary Renato B. Padilla in the Formal Charge dated May 20, 1992. In support of the said oral testimonies, the following documentary evidence were presented and submitted:
-

- a) CASE No. 366, NEG - x x x
- b) PARAD CASE NO. VI-51-NO-91 - x x x
- c) PARAD Case No. VI-75-NO-92 - x x x
- d) PARAD CASE NO. VI-80-NO-92 - x x x
- e) PARAD Case No. VI-38-NO-91 - x x x
- f) DARAB Case No. 001 to VI-159-NO-91 - x x x
- g) DARAB CASE NOS. VI-38-NO-91; VI-81-NO-91; VI-III-NO-91 - x x x

In a letter to DAR Secretary Ernesto D. Garilao, dated August 10, 1992, Duka alleged that he has never seen a copy of the complaint; that the hearing was conducted in a “Kangaroo-style”; and that the hearing was never conducted.

On the basis of the evidence presented during the investigation, the DAR found Duka guilty of the charges and recommended his dismissal from the service with forfeiture of retirement benefits and with prejudice to re-employment in the government service.

The issues in this case are:

1. whether or not Secretary Padilla had the legal authority to file administrative charges against Duka;
2. whether or not the formal charge and the proceedings therein violate the due process clause; and
3. whether or not Duka is guilty of the charges levelled against him.

On the first issue, I confirm the action of Secretary Padilla in initiating the herein administrative action. Respondent, being a presidential appointee, is under the administrative disciplinary authority of the President. For his appreciation, “[T]he multi-farious executive and administrative functions of the Chief Executive are performed by and through the executive departments, and the acts of the Secretaries of such departments, performed and promulgated in the regular course of business, are, unless disapproved or reprobated by the Chief Executive, presumptively the acts of the Chief Executive.” (Villena vs. The Secretary of the Interior, 67 Phil. 451, 463).

The second issue is anchored principally on the ground of lack of due process. The records disclose that respondent was served a copy of the formal charge, dated May 20, 1992; he filed his answer thereto; he was notified of the scheduled hearings by telegram; he filed a motion, dated July 27, 1992; he was served a copy of the DAR Memorandum of July 27, 1992, directing continuation of the formal hearing; and he wrote a letter to DAR Secretary Ernesto D. Garilao, dated August 10, 1992, assailing the complaint and the proceedings therein.

These facts show that respondent was given notice and opportunity to be heard, the minimum requirement of due process.

The Supreme Court in the Llora Motors, Inc. vs. Drilon, ruled that: “[t]he Court had held in the past that a formal or trial-type hearing is not at all times and in all instances essential to due process, the requirements of which are satisfied where parties are afforded fair and reasonable opportunity to explain their side of the controversy at hand.” (179 SCRA 175, 180.) “The standards of due process in judicial as well as administrative proceedings have long been established. In its bare minimum due process of law simply means giving notice and opportunity to be heard before judgment is rendered.” (Wenphil Corporation vs. NLRC, 170 SCRA 69, 75.)

In a memorandum of September 25, 1991 (Exhibit “SS”), then DAR Secretary Benjamin T. Leong directed respondent to inhibit himself from handling cases within the territorial jurisdiction of Negros

Occidental; to transfer all pending cases for adjudication to Atty. Hilario Baril, Regional Agrarian Reform Adjudicator; and to submit a status report of the cases handled by him as well as decision/actions taken thereon, with an advice of his temporary assignment to the DAR Regional Office, Region VI, under the direct supervision of Regional Director Antonio Maraya.

Records disclose that respondent did not report to the regional offices as directed. Instead, he filed an application for leave until December 27, 1991. In a memorandum of February 12, 1992, Director Maraya reminded respondent of the DAR Secretary's memorandum, dated September 25, 1991, and of the absences without leave incurred by the latter since January 2, 1992. Moreover, Department of Agrarian Reform Adjudication Board (DARAB) employees testified during the hearing that respondent continued to adjudicate DARAB cases even after he was assigned by Secretary Leong to the DAR Regional Office, Region VI, Iloilo City, and notwithstanding the directive that he inhibit himself from handling DARAB cases. Respondent's conduct aforementioned constitutes gross misconduct and insubordination.

On April 23, 1992, in an agrarian case entitled "Guillermo Gomez vs. Eriberto Igbaras", respondent issued an Order (Exh. "B"), declaring the memorandum of Regional Director Maraya dated February 12, 1992 as null and void; directing PARO Arsenal to issue him (respondent) a clearance of all property accountabilities; and ordering the Acting DARAB Clerk of Court to submit the status of cases pursuant to the DAR Secretary's Memorandum dated September 25, 1991. The following day, April 24, 1992, respondent issued another Order (Exh. "H"), directing PARO Arsenal to prepare the necessary voucher for the payment of his (respondent's) representation and transportation allowance (RATA) for the months of January to April 1992. Thereafter, on April 30, 1992, respondent issued a warrant of arrest (Exh. "C") commanding any officer of the law to arrest and detain PARO Arsenal until Arsenal deposits the amount of Nine Thousand Six Hundred Pesos (P9,600.00) to the Acting DARAB Clerk of Court, representing his (respondent's) RATA for the months of January to April 1992.

The issuance of these orders (Exhs. "B" and "H") and the warrant of arrest (Exh. "C") demonstrates respondent's gross ignorance of the law, inefficiency, and incompetence.

Arsenal's refusal to pay respondent's RATA and to grant him clearance of property accountabilities which were the subject of respondent's order (Exh. "B") issued in connection with Gomez vs. Igbaras have absolutely nothing to do with the Gomez case.

The issuance by respondent of a warrant of arrest betrays his lack of knowledge and disregard of the law. Nowhere in the DARAB Rules is a DARAB Adjudicator, like respondent, authorized to issue warrants of arrest. To compound matters, respondent issued the warrant of arrest and the other orders aforementioned as Provincial Agrarian Reform Adjudicator of Negros Occidental when he is supposed to be temporarily assigned to the DAR Regional Office, Region VI, Iloilo City, pursuant to DAR Secretary Leong's Memorandum of September 25, 1991.

On respondent's frequent unauthorized absences/absence without leave, records is fraught with evidence to support this specifications. Suffice it to cite Exhibits "MM", "NN", "OO", "QQ", and "Z", mentioned in the DAR Order, dated September 25, 1992, *supra*.

WHEREFORE, premises considered, Atty. Teodoro P. Duka is hereby found guilty of grave misconduct, gross insubordination, gross ignorance of the law, inefficiency and incompetence in the performance of official duties, frequent unauthorized absences, refusal to perform official duty, absence without leave, and conduct grossly prejudicial to the best interest of the service. Accordingly, he is hereby **DISMISSED** from the service with forfeiture of retirement benefits and with prejudice to re-employment in the government service pursuant to Civil Service Memorandum Circular No. 30, series of 1989, and pursuant to Section 8, 9, 17 and 22 of Rule XIV (Discipline) of the Omnibus Rules

Implementing Book V of Executive Order No. 292 and other Pertinent Civil Service Laws, published on January 15, 1992, effective fifteen (15) days after his receipt of a copy of this Order pursuant to Book VII, Chapter 3, Section 15, of the 1987 Administrative Code.

DONE in the City of Manila, this 24th day of February, in the year of Our Lord, Nineteen Hundred and Ninety Three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 39
IMPOSING THE PENALTY OF A FINE EQUIVALENT TO THREE (3) MONTHS SALARY ON
FORMER ACTING REGISTER OF DEEDS OSCAR G. NOLASCO TO BE DEDUCTED FROM
WHATEVER RETIREMENT AND OTHER BENEFITS HE MAY RECEIVE
FROM THE GOVERNMENT.

This refers to two consolidated Administrative Cases Nos. 87-12 and 87-31, both for grave misconduct, filed against Atty. Oscar G. Nolasco, then Acting Register of Deeds of Marikina, Metro Manila.

Records show that respondent had RETIRED from the service, but the matter of his entitlement to retirement benefits is dependent on the resolution of this case.

Administrative
Case No. 87-12

This is a complaint against Atty. Nolasco for the alleged irregular issuance of Transfer Certificate of Title (TCT) No. N-28572 in the name of Eligio Baluyot and Teotimo Baluyot, as well as the issuance of the derivative titles thereto, TCT No. N-31836 and N-115762, both in the name of Segundina Rosario, for which he was charged as follows:

“On May 31, 1978, you issued, without legal basis, TCT No. N-28572 in the name of Eligio Baluyot and Teotimo Baluyot x x x, purportedly a direct transfer from OCT No. 730 issued pursuant to Decree 15584, LRC Record No. 7672. You made it appear that the original of OCT No. 730 was previously reconstituted pursuant to the provisions of Republic Act 26, as shown by the annotation at the back of TCT No. N-28572 signed by you. It appears that TCT No. N-28572 was later cancelled by TCTs Nos. N-31836 and N-115762 both in the name of Segundina Rosario.

“Upon verification of the records of the Registry of Deeds of Rizal (Pasig), it was discovered that OCT No. 730 in the names of Mariano Severo Tuason, et al., was already cancelled on August 9, 1915 in favor of Antonio Tuason, et al. This title was subsequently cancelled by TCT No. 6075 in the names of Mariano Severo Tuason et al., by virtue of a deed of partition executed by the heirs of the registered owners.

“In view thereof, you are hereby charged with and directed to show cause in writing and under oath within seventy-two (72) hours from receipt hereof why no administrative disciplinary action should be taken against you for Grave Misconduct for the anomalous issuance of TCT No. N-28572 and the subsequent TCTs No. N-31836 and 115752.”

During the formal investigation, the Land Registration Authority (LRA) established that Original Certificate of Title (OCT) No. 730 was issued in the name of Mariano Severo Tuason y dela Paz, et al., pursuant to Decree No. 15584 in LRC Res. No. 7672; that OCT No. 730 was totally cancelled by TCT No. 2681 by virtue of a Deed of Donation on August 4, 1915; and that, in turn, TCT 2681 was cancelled by TCT 6075 when the property was partitioned among the heirs of Mariano Severo Tuason y dela Paz.

On the other hand, respondent adduced evidence that the reconstitution of TCT No. N-28572, from which TCT Nos. N-31836 and N-115762 in the name of Segundina Rosario, was derived, was given due course by respondent, then Deputy Register of Deeds of the Province of Rizal, on the basis of the owner's duplicate certificate of OCT No. 730 and entries in the Primary Entry Book, Vol. III, Page No. 26, namely 1) Entry No. 26936, which is a publication in favor of the estate of Sps. E. Baluyot, dated May 6, 1978, relative to TCT No. 730; 2) Entry Nos. 26937 and 26938 showing that taxes on the estate of Isidro Baluyot were paid; 3) Entry No. 26941, which is an extrajudicial partition executed by Eligio Baluyot in favor of Sps. E. Baluyot; and 4) Entry No. 26942, which is a plan regarding the estate of Eligio Baluyot dated November 2, 1946.

Respondent even reasoned out that "he should not be held responsible for all the ills besetting the Registry which were caused by the disorderly operation and the frequent reshuffles without the benefit of inventory or clearance before these movements." (Fact-finding Investigation report dated April 6, 1987 of Atty. Leonardo de Jose)

The LRA Administrator found respondent guilty as charged and recommended the imposition of a fine in an amount equivalent to one-year salary. This was modified by the Department of Justice by recommending that respondent be held liable for gross negligence and the imposition of the penalty of fine equivalent to his one-month salary.

I concur with the Justice Secretary's recommendation, with the exception of the penalty imposed. As an officer entrusted with responsibility decidedly impressed with public interest, respondent Nolasco should have been more circumspect in the performance of his official duties. There was no petition filed in connection with the reconstitution of TCT No. 28572 in the name of Eligio Baluyot. (Testimony of Atty. Gregorio Sembrano, Register of Deeds of Marikina, Metro Manila). Respondent should be held liable accordingly.

Administrative

Case No. 87-31

This refers to the formal charge for grave misconduct filed by LRA Administrator Teodoro G. Bonifacio against Atty. Nolasco, which reads:

"On 20 August 1984, you, as then Acting Register of Deeds therein, with undue haste, reconstituted the original of TCT No. 42408 in the name of Vicente A. Cruz on the basis of the Decision dated 5 June 1978 of the then Court of First Instance of Rizal, Seventh Judicial District, Branch XXI, Pasig, in Civil Case No. 80, which had been seasonably appealed by oppositors J.M. Tuazon & Co., Inc. et al., to the Court of Appeals in C.A. - G.R. No. SP 09235-R, in violation of Section 110 of PD 1529 and LRC Circular No. 35 dated 13 June 1983 which provide that only final and executory order or judgment of a court may be the basis for the Register of Deeds to cause the reconstitution of a certificate of title,

resulting in its subsequent cancellation and issuance of numerous certificates of title emanating therefrom.

“It was also discovered that the owner’s duplicate of TCT No. 42408, which was used as basis for the reconstitution of the original is of doubtful origin, genuineness and authenticity, as confirmed by the findings of the Verification Committee of this Administration.”

In his answer, respondent Nolasco averred, among others, that the decision of June 5, 1978, reconstituting TCT No. 42408, has become final and executory as evidenced by a Certificate of Finality attached to the record of the case (INCLU-I, Record) and that the trial of the reconstitution case showed that it partakes the nature of an original registration for the reason that the Solicitor General’s Office, Bureau of Lands, Bureau of Forestry, and even the NBI were parties to the case.

While it is true that J.M. Tuason and Company seasonably filed an appeal from the decision reconstituting TCT No. 42408, there is no showing that it was brought to the attention of the CFI of Rizal or to respondent Nolasco. Records even showed a Certificate of Finality of Judgment issued by Branch Clerk of Court Silvestre V. Garfin of Regional Trial Court, Branch 160, Pasig, Rizal, under Entry No. 115734, which reads:

“This is to certify that the ‘Decision’ dated June 5, 1978 by the Hon. Gregorio C. Pineda, Presiding Judge of Branch XXI, Court of First Instance of Rizal, Pasig, Metro Manila (now Branch CLX, Regional Trial Court, Pasig, Metro Manila) in LRC (Reconstitution) Case No. 80 entitled ‘In Re: Petition for Reconstitution of the Original Transfer Certificate of Title No. 42408 - Rizal Registry, Vicente S. Cruz, Petitioner’ has never been supplemented, amended nor modified and therefor has already become FINAL and EXECUTORY.”

Thus, having been so certified, respondent cannot be faulted for doing what should be done as a matter of course.

With respect to the infirmities of TCT No. 42408, he has nothing to do with LRC (Reconstitution) Case No. 80, not being a party thereto, hence the instant charge for grave misconduct should be dismissed.

WHEREFORE, premises considered, former Acting Register of Deeds of Marikina, Oscar G. Nolasco is hereby 1) found liable for grave misconduct in Administrative Case No. 87-12 with a penalty of a FINE in the amount equivalent to his THREE (3) months salary to be deducted from whatever retirement and other benefits he may receive from the Government; and 2) EXONERATED of the charge of grave misconduct in Administrative Case No. 87-31, effective immediately upon his receipt hereof.

DONE in the City of Manila, this 24th day of February, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) ANTONIO T. CARPIO
Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 40

**PRESCRIBING GUIDELINES FOR THE TREATMENT OF THE PERSONNEL OF THE ARMED
FORCES OF THE PHILIPPINES AND PHILIPPINE NATIONAL POLICE, WHO ARE FACING
ADMINISTRATIVE AND CRIMINAL CHARGES**

WHEREAS, accounts on the involvement of commissioned officers and enlisted/non-officers personnel of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) in criminal activities, coupled with the seeming lack of coordination between some military/police units, have adversely affected the image of the AFP and PNP;

WHEREAS, for so long as there are misfits and scalawags within the uniformed ranks of the AFP and PNP, reports about their nefarious deeds, whether done singly or in concert with others, including ex-soldiers/policemen and/or civilians, will be perceived negatively by the public and the national leadership to such an extent as to relegate to the background the commendable and substantial accomplishments of our men in uniform;

WHEREAS, the drive to expel the undesirable elements from the AFP and PNP must be unrelenting and, more than this, the military/police organizations must take the lead in bringing their own offenders before the bar of justice;

NOW, THEREFORE, I, FIDEL V. RAMOS, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. In administrative cases where the administrative discharge of the military/police personnel with a pending criminal case cognizable before the civil courts is warranted and authorized under existing laws, rules and regulations, his discharge from the military/police service and release from custody should be effected simultaneously and contemporaneously with the referral of his case and the delivery of his person before the proper civil judicial authorities for appropriate action; provided that, if such military/police personnel is charged with a grave offense, the military/police organization should, in coordination with the government prosecutor, actively help to build-up and file the case against him before the civil court and, thereafter, obtain a court order committing him to military/police custody while undergoing trial to ensure his presence during court hearings; and provided further that, in the meantime, the firearms, ammunition, and all other government properties issued to him must be recalled forthwith.

SEC. 2. The commanding officer of an erring military/police personnel shall be similarly held accountable either for conduct unbecoming of an officer or as accessory after the fact in cases where he refuses to act, fails to render a timely report, delays action, or otherwise aids and abets the wrongdoing of his subordinate who is the subject of a valid complaint.

SEC. 3. Generally, where the crime or offense committed by a military/police personnel is not service-connected, waiver of court-martial jurisdiction over the case should be recommended to the President, through the appropriate Department, pursuant to Presidential Decree No. 1850, dated October 4, 1982, as amended by Presidential Decree No. 1952, dated September 4, 1984.

SEC. 4. Hand in hand with the purging efforts should be the conduct of measures promotive of discipline and professionalism within the AFP and PNP, including the reminder to the commanders to

closely supervise the chain of command and use the “buddy system” to ensure that the whereabouts of the military/police personnel under them and their actuations are known and monitored since discipline exists only when a subordinate who is left alone behaves the way he does when he is in the presence of a respected superior, and the knowledge by commanders and senior officers on how to conduct themselves in public, particularly before the media practitioners.

SEC. 5. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 24th day of February, in the year of our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 41
DISMISSING ATTY. MOSIB ALI BUBONG, REGISTER OF DEEDS OF MARAWI CITY,
FROM THE SERVICE FOR CAUSE

This refers to the administrative case No. 88-29 for Grave Misconduct filed by Major Omar P. Ali against Atty. Mosib Ali Bubong, Register of Deeds of Marawi City.

In his report of September 8, 1992, the Secretary of Justice informed this Office that:

“Complainant charges respondent with the following acts constituting grave misconduct:

- a) illegal exaction;
- b) indiscriminate issuance of TCT No. 2821 in the name of Mona Abdullah, et al.; and
- c) manipulating the criminal complaint filed against Hadji Adbullah, et al., for violation of the Anti-Squatting Law.

“Allegedly, on the first charge, illegal exaction was committed by respondent in that:

‘[W]hen I [complainant] registered the Deed of Sale between Philippine Amanah Bank and me with the Register of Deeds, Atty. Bubong demanded ₱800.00 cash. He issued an official receipt amount to ₱221.50. I [complainant] do not know where the rest of [my] payment [went].

‘I [complainant] registered the Deed of Sale between me and Ibrahim Miguel, Atty. Bubong demanded ₱1,000.00 cash. I negotiated and [Atty. Bubong] accepted ₱800.00. No receipt was issued.

‘I [complainant] registered my lot at Madaya Lilod, Marawi City, thru my brother-in-law, Hadji Ibrahim Miguel. [Atty. Bubong] demanded ₱500.00 [from] Hadji Miguel. No receipt was issued.’

“Relative to the second charge, complainant avers that despite the existence of TCT No. T-2807 covering Lot No. 36-A-3 in his name, Atty. Bubong ‘indiscriminately’ issued another title (TCT No. 2821) in favor of his first degree cousins, Matabae Abdullah Datu, et al. Said title was allegedly used by his relatives as their defense in the anti-squatting case the complainant filed against them.

“The third charge is based on the alleged preparation by Atty. Bubong of the appeal of his relatives in the anti-squatting case. Allegedly, the appeal

can only be prepared by somebody who has access to the records in the Registry of Deeds.

“In addition, in a follow-up letter dated 22 April 1989, complainant accused respondent of infidelity in the custody of documents and commission of various irregularities in connection with the loss of the Primary (Entry) Book and Entries Nos. 2778, 2728, and 2730 to make it appear that there was no deed of conveyance which serves as the basis for the issuance of TCT No. 1582.

“Respondent submitted his Answer dated 25 November 1988 wherein he expressed his desire to ‘submit the case for appropriate action on the basis of [his] answer and the supporting papers’ at the same time praying that the complaint be dismissed. Notwithstanding, a formal investigation was conducted. The investigator recommended the dismissal of the complaint ‘for lack of merit and evidence’ to which the Administrator agreed.

“Records reveal the following:

“For the registration of the following documents the respective amounts were paid:

a. Deed of Sale between complainant and the	
Philippine Amanah Bank	
(Official Receipt No. 6385390)	₱331.50
b. Deed of Sale between complainant and	
Ibrahim Miguel	
(Official Receipt No. 6385524)	₱102.00
c. Free Patent No. (XII-3) 006655 (Official	
Receipt No. 6385541)	₱73.50

“It appears that Lot No. 36-A-3 of subdivision plan (LRC) Psd-231948 was originally covered by TCT No. T-26-B in the name of Serad Abdullah and his brothers. Somehow this title (TCT No. T-26-B) was replaced by TCT No. 1582 in the name solely of Serad Abdullah. The latter allegedly executed a Deed of Sale in favor of his son, Camar Abdullah, by virtue of which Deed, TCT No. 1588 was issued in place of TCT No. 1582. On 29 June 1981 Camar Abdullah mortgaged the said title to the Philippine Amanah Bank which was foreclosed. Complainant Omar Ali, as the highest bidder, acquired the property and TCT No. T-2807 was issued to him by respondent replacing TCT No. T-1586.

“In November 1987, upon his return from a military assignment, complainant Omar Ali discovered that the residential house he built on the land he purchased (covered by TCT No. 2807) was burned and the lot was occupied by, among others, respondent’s uncle (Serad Abdullah) and daughters, who are his first degree cousins. Thus, he filed a case for anti-squatting. The case was resolved in his favor by the fiscal. However, on appeal to this Department, the case was dismissed on the ground that ‘there

is no deed of conveyance which serves as the basis for the issuance of TCT No. 1582 in the name of Serad Abdullah [et al., to Serad Abdullah alone]. TCT No. T-26-B in the name of Serad Abdullah and his brothers did not show any such transfer/conveyance. In fact, TCT No. T-26-B and T-2821 [in favor of respondent's relatives] appear to be existing and uncanceled.

"In a Report dated 8 November 1991, the LRA Inspection and Investigation Team opined that:

'[W]ithout the assistance of the respondent, the complaint he [complainant] filed against [respondent's] relatives would have prospered. In fact, the same was already resolved by the Marawi City Fiscal's Office but the appeal to the Secretary of Justice saved the day for them. Of course, complainant was right, the defense of the respondents in the Anti-Squatting case was actually thought of by respondent Bubong; that obviously Bubong was actually acting as counsel and giving advice to his relatives on the side. It is but natural for him to do so since his relatives were not represented by counsel.'

"In respondent's sworn Counter-Affidavit dated 17 August 1989 which he submitted to the Office of the Ombudsman in OMB-3-89-0468, he alleged, however, that 'TCT No. T-2821 covers another parcel of land designated as Lot No. 36-A of the subdivision plan Psd. 12-002171, situated in Dansalan, Marawi City, containing an area of 168 sq. m. Based on the documents filed and registered in our Registry and which documents are our basis for the issuance of the two titles, (TCT No. T-2087 and TCT No. T-2821), it is therefore crystal clear that these two titles cover two diametrically different lots.

"In connection with the last charge of infidelity in the custody of documents, there appears in the records Exhibits 25 to 28 relating to the loss of, among others, Primary Books through a robbery that occurred on 21 December 1986 in the Registry of Deeds.

- I -

"Relative to the charge of illegal exaction, there is nothing in the records which tends to support the allegation of complainant that respondent demanded and, in fact, received ₱800.00 in the first two (2) transactions relative to the registrations of the Deeds of Sale and ₱500.00 in the third.

"It has not been refuted that, in the first transaction, it was not even respondent, but Mr. Moncado B. Dimaporo, who received the amount and issued the corresponding receipt (Official Receipt No. 6385390) for the amount of ₱331.50 reflected therein. Since it was Mr. Dimaporo who attended to the complainant in this particular transaction, it was remotely possible for respondent to have demanded at that time the amount of ₱800.00 from complainant.

“Furthermore, Official Receipt Nos. 6385524 and 6305541 in the amounts of ₱102.00 and ₱73.50 belie complainant’s allegations that no receipts were issued in the last two transactions.

– II –

“There is no dispute that respondent issued both Transfer Certificates of Title (TCT) Nos. T-2807 and T-2821. The first certificate was issued on 5 January 1987 while the second on 3 March 1987.

“It appears indubitably that Psd 12-002171, one of the documents which supports the issuance of TCT No. T-2821, covers a lot subject of the anti-squatting case, located in Midsayap, Cotabato, contrary to respondent’s claim that the same covers a land situated at Dansalan, Marawi City. Respondent’s relatives in the anti-squatting case even executed a counter-affidavit that the subject land covered by TCT No. T-2807 is their own as evidenced by TCT No. T-2821. When confronted with the glaring inconsistency of the location of the same lot but covered by two (2) titles, respondent claimed that it was not his responsibility to ascertain the authenticity of documents presented to him.

“Although he claims that TCT No. T-2821 was based on Psd-12-002171 while TCT No. T-2807 on Psd-231948 and, therefore, the two titles cover two different parcels of land, respondent never mentioned this in his letter dated 3 June 1991 to the LRA Investigation Officer. Instead, he concluded therein that complainant was a ‘purchaser in bad faith.’ If this conclusion of respondent were to be believed, his issuance of TCT No. T-2807 as a consequence of the alleged issuance of TCT No. T-1582 without any basis would then be highly questionable.

“Assuming that there were indeed no documents to support the issuance of TCT No. T-1582 which makes it spurious title then respondent seriously erred in issuing TCT No. T-2807.

“Indeed, respondent’s allegations are so confused. There is no conclusion other than that he has imprudently issued TCT No. T-2821.

“Moreover, TCT No. T-1586 (issued in lieu of TCT No. T-1582) from which TCT No. 2807 was derived had been mortgaged with the Philippine Amanah Bank. It is the standard operating procedure for banks to verify and check the authenticity of titles being mortgaged to it before entering into a contract of mortgage.

– III –

“There is no doubt that respondent, as stated in the report, assisted his relatives who were the respondents in the anti-squatting case considering that the defenses raised in the appeal were matters which could only be known to someone who has access to the records in the Registry. As a matter of fact, the appeal in the anti-squatting case went as far back as the mother title verifying in the process all the supporting documents for every title issued.

This only shows that this defense was belatedly conceived by respondent to help his relatives in the anti-squatting case.

“As regards the last charge of infidelity in the custody of documents, complainant would have us believe that respondent manipulated the loss of the Primary Book containing Entries 2728, 2729 and 2730. While it is true that this was lost through the burglary that occurred on 21 December 1986, the documents represented by the entries mentioned were still available on file. That the loss was deliberately manipulated by respondent has not been established. On the other hand, the burglary is supported by several documents submitted by respondent which have not been refuted.”

Hence, the Secretary of Justice recommended as follows:

“ACCORDINGLY, it is respectfully recommended that respondent Atty. MOSIB ALI BUBONG be:

(1) exonerated of the charges of illegal exaction and infidelity in the custody of the documents; and

(2) found guilty of grave misconduct in:

(a) the imprudent issuance of TCT No. T-2821; and

(b) manipulating the criminal complaint for violation of the Anti-Squatting Law.

“As a penalty for the above offenses, it is respectfully recommended that respondent, Atty. Mosib Ali Bubong, be dismissed from the service.”

I agree in toto with the Secretary of Justice.

WHEREFORE, Atty. Mosib Ali Bubong, Register of Deeds of Marawi City, is hereby dismissed from the service for cause, effective fifteen (15) days after receipt by respondent of a copy of this Order.

DONE in the City of Manila, this 26th day of February, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 42
CLARIFYING THE ROLE OF THE DEPARTMENT OF BUDGET AND MANAGEMENT IN THE
COMPENSATION AND CLASSIFICATION OF LOCAL GOVERNMENT POSITIONS UNDER
R.A. NO. 7160

WHEREAS, Section 77 of the Local Government Code of 1991 (R.A. No. 7160) abolished the Joint Commission on Local Government Personnel Administration (JCLGPA) organized pursuant to Presidential Decree No. 1136 and transferred its personnel, records, equipment, and other assets to the appropriate office in the Civil Service Commission (CSC);

WHEREAS, the same Code does not provide for the transfer of the respective functions of the member agencies of the JCLGPA to the CSC;

WHEREAS, Section 325(b) of the Code states that: “No official or employee shall be entitled to a salary rate higher than the maximum fixed for his position or other positions of equivalent rank by applicable laws or rules and regulations issued thereunder;

WHEREAS, the only applicable law that governs the Compensation and Position Classification System of the government is R.A. No. 6758, otherwise known as the “Compensation and Position Classification Act of 1989”;

WHEREAS, the Compensation and Position Classification System covers all national and local government positions, appointive or elective, on full or part-time basis, now existing or hereafter created;

WHEREAS, the Department of Budget and Management (DBM), principally through its Compensation and Position Classification Bureau, is mandated to administer the compensation and position classification system established under R.A. 6758;

WHEREAS, there is a need to clarify the role of the DBM, through its appropriate bureau, in the administration of the compensation and position classification systems in local government units;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law and upon the recommendation of the Oversight Committee of the Code, do hereby order:

SECTION 1. The Department of Budget and Management as the lead administrator of R.A. 6758 shall, through its Compensation and Position Classification Bureau, continue to have the following responsibilities in connection with the implementation of the Local Government Code of 1991:

- a. Provide guidelines on the classification of local government positions and on the specific rates of pay therefor;
- b. Provide criteria and guidelines for the grant of all allowances and additional forms of compensation to local government employees;
- c. Advise and assist local government units on matters of position classification and compensation of local government personnel; and

- d. Provide technical expertise in the training of local government personnel to enable them to administer and maintain the compensation and position classification system.

SEC. 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 3rd day of March, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 43
SUSPENDING PROSECUTOR II PERPETUO L.B. ALONZO OF QUEZON CITY FOR A PERIOD
OF ONE (1) MONTH WITHOUT PAY

This refers to the administrative complaint filed against Prosecutor II Perpetuo L.B. Alonzo of Quezon City for the unreasonable delay incurred in the transmittal to the Department of Justice of the records in I.S. No. 89-1300, entitled “Tessie Marcelino versus Shirley Pascual and Lenida Herrera” for Estafa and Violation of BP Blg. 22, and in I.S. No. 89-2901, entitled “Shirley Pascual and Lenida Herrera versus Tessie Marcelino” for Violation of the National Internal Revenue Code; thereby resulting in the long delay in the resolution of the appeal filed therein.

In his Memorandum of April 25, 1991, the Secretary of Justice stated that:

“The records show that in the letter-explanations submitted by the clerical staff thru the City Prosecutor, namely Mesdames Marilou Escolin, Ambrocía Fortuno and Armida Bayquen, to whom the records of the aforesaid cases passed through, they attributed the cause of the delay in the transmittal of the records to respondent prosecutor, stating therein that the matter on the elevation of the records was referred to him and that he was being reminded from time to time about it.

“On the other hand, in his letter-explanation, respondent prosecutor vehemently denied the accusation against him. He alleges, among others, that Escolin was assigned as his secretary and, together with Prosecutor Reas, shared her secretarial services; that she was frequently absent from office especially during periods of peak workload; that she was very inefficient and recreant in her duties; thus prompting respondent prosecutor and Prosecutor Reas to seek for her replacement; that even when Escolin was relieved as respondent prosecutor’s secretary, he was not informed of the said directive relative to the elevation of records and it only came to his knowledge at a much later date when his new secretary, Armida Bayquen, informed him about it; that by then, he was no longer assigned as trial prosecutor at Branch 84 of the RTC, Q.C.; that, thereupon, he instructed his new secretary to turn over the said records to the newly-assigned prosecutor at Branch 84, but his new secretary informed him that as a matter of routine the records would be returned to the Records Division; that he could not explain how said records could have been mislaid for some time as he regularly followed-up the work of his secretary and that he acted on all matters requiring his attention with diligence and dispatch; that he did not have any intention to delay the elevation of the records to the Department for review; and that finally, the circumstances in this case show that the long delay was due to factors beyond his control;

“Evaluating carefully the comment of respondent prosecutor in light of the explanations of the clerical staff involved, we find his explanation unsatisfactory.

“In his comment, respondent prosecutor attributed the long delay in the elevation of the aforesaid records to the inefficiency of his former secretary, Ms. Escolin. While there may be some truth to his allegation that he found Ms. Escolin to be recreant and inefficient in her duties as secretary, as he in fact sought her replacement, her inefficiency, however, appears to have no direct bearing to his failure to comply with the directive of this Office.

“The records clearly show that on August 9, 1989, Ms. Escolin received, in behalf of respondent prosecutor, the directive requiring the elevation of the records. However, the following day, August 10, 1989, she was relieved as respondent prosecutor’s secretary, but, before leaving her assignment, she conducted and submitted an inventory of all the cases she received, including the records in question, and, accordingly, turned them over to respondent prosecutor’s new secretary, Ms. Bayquen, on the same day. With this turn over, Ms. Escolin was thenceforth relieved of her responsibility to accomplish whatever clerical work was needed to be done in order to comply with the aforesaid directive, said responsibility having been in turn assumed by Ms. Bayquen. Apparently, it is at this point in time that the inaction on the aforesaid directive commenced. It appears that from August 10, 1989, the day Ms. Bayquen received the records from Ms. Escolin, it was only sometime in the month of February 1990 that the said records resurfaced, only to be turned over to the Records Section for safekeeping. Seemingly, for six (6) months, more or less, the records of the aforesaid cases remained unattended to, despite the said directive requiring the elevation thereof to this Office.

“While we cannot totally blame respondent prosecutor for this inaction, considering that his secretary also had the corresponding responsibility to accomplish the clerical work required in the elevation of the records to this Office, we believe, however, that his failure to exercise due diligence in the performance of his duties and functions resulted in a prejudice to the interests of the litigants. We opine that if he were only more vigilant and conscientious in the performance of his duties, this situation would not have arisen. Although we are not unmindful of the volume of work being performed by a prosecutor, it still taxes our mind that six (6) months was allowed to lapse before action was taken on the directive of this Office. This failure, therefore, clearly contravenes the mandate of this Office to expedite the disposition of cases under preliminary investigation in the interest of the public service.

“The fact that respondent prosecutor was reassigned to another RTC Branch has, likewise, no bearing on respondent prosecutor’s failure to act on our directive considering that said reassignment became effective only on May 15, 1990. By that time, the records in question had long been inadvertently turned over to the Records Section by Ms. Bayquen.

“In view of the foregoing, we find Prosecutor II Perpetuo L.B. Alonzo liable for Simple Neglect of Duty and hereby recommend his **SUSPENSION** for one (1) month without pay, with a stern warning that a repetition of the same omission shall be dealt with more severely.”

I agree with the Secretary of Justice.

WHEREFORE, Prosecutor II PERPETUO L. B. ALONZO is hereby found guilty of Simple Neglect of Duty and, accordingly, suspended for a period of one (1) month without pay, with a stern warning that a repetition of the same offense shall be dealt with more severely, effective upon his receipt of a copy of this Administrative Order.

DONE in the City of Manila, this 3rd day of March, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 44
REVOKING LETTER OF INSTRUCTION NO. 189, SERIES OF 1974

WHEREAS, Letter of Instructions No. 189, issued May 23, 1974, directs the Department of Public Works and Highways and other infrastructure government agencies to purchase their asphalt requirements from the Petrophil Corporation and/or its subsidiaries;

WHEREAS, LOI No. 189 provides that “such government agencies and entities may purchase their requirements of asphalt from other companies and/or persons only to the extent of the quantity that Petrophil Corporation is unable to supply”;

WHEREAS, there exists private suppliers/manufacturers of asphalt which can provide the necessary asphalt requirements of the government at much lower prices than those sold by the Petrophil Corporation without compromising government specifications and standards;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct:

1. Letter of Instructions No. 189 issued May 23, 1974, is hereby revoked.
2. The Department of Public Works and Highways and all other concerned government agencies are hereby authorized to purchase their asphalt requirements from private suppliers/manufacturers through competitive public bidding with Petrophil as a Mandatory Bidder; Provided, That government specifications and standards therefor shall be fully complied with; and Provided further, That such purchases be in accordance with the guidelines prescribed under Executive Order Nos. 165, S. of 1987, 301, S. of 1987, 380, S. of 1989, E.O. 164, s. of 1987, and other subsequent rules and issuances.
3. Where PETROPHIL is a participant and the bidding process fails for any reason not attributable to PETROPHIL, the contract may then be awarded by the purchasing government entity to PETROPHIL.

DONE in the City of Manila, this 15th day of March, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **ANTONIO T. CARPIO**

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 45
IMPOSING A FINE EQUIVALENT TO TWO (2) MONTHS' SALARY ON ATTY. VICENTE M.
COLOYAN, FORMER ACTING REGISTER OF DEEDS OF QUEZON CITY

This refers to the administrative case (Adm. Case No. 87-11) filed by Honorio B. Brutas against Atty. Vicente N. Coloyan, former Acting Register of Deeds of Quezon City, for Grave Misconduct and Dishonesty.

The antecedent facts are stated in the letter, dated January 11, 1990, of the Administrator of the Land Registration Administration (now National Land Titles and Deeds Registration Administration), as follows:

“xxx [O]n 27 November 1980, a certain Antonio Enriquez presented for registration in the Registry of Deeds of Quezon City, under Entries Nos. 1489 and 1490, a consolidated-subdivision plan Pcs-04-000356, together with the letter dated 25 November 1980 of complainant Honorio Brutas requesting the subdivision of the two parcels of land (into 162 sub-lots) covered by TCTs Nos. 37643 and 57917, both in the name of Lorenzo T. Oña allegedly purchased by ‘Hillcrest Housing Association of the Poor’, payable for a period of 5 years. According to the complainant, he also enclosed in his letter a ‘Contract of Sale’ executed by Lorenzo Oña and ‘Hillcrest Cooperative, Inc.’ (represented therein by complainant) on 15 August 1979 affecting TCTs Nos. 37917 and 57642. The sale appears not absolute but merely a contract to sell as shown by the following condition stated therein:

‘That upon full payment of the aforesaid balance, the party of the first party (Lorenzo T. Oña) will execute the corresponding Deed of Absolute Sale.’

Instead of merely annotating the plan and contract of sale at the back of TCTs Nos. 37642 and 57917, the Registry erroneously prepared 162 certificates of title all in the name of ‘Hillcrest Housing Association, Inc.’. For unknown reason, these titles were left unsigned by the Register of Deeds at that time.”

The records further show that, when respondent assumed office as Acting Register of Deeds of Quezon City in March 1981, he found the said certificates of title unsigned. Whereupon, he affixed his signature thereon, indicated the date, “July 6, 1981”, and thereafter caused the release of the owner’s duplicate certificates to Lorenzo Oña.

During the fact-finding investigation, respondent admitted that he gave due course to plan 04-000356 and signed the corresponding 162 certificates of title, indicating below his signatures “July 6, 1981” as the actual date of signing without reviewing the supporting documents thereon; that thereafter, he released the owner’s duplicates to Lorenzo Oña; that when he realized his error, he

recalled all the erroneous titles from Oña and *motu proprio* caused the correction of the name of the registered owner appearing on the titles from Hillcrest Housing Association, Inc. to Lorenzo T. Oña. Moreover, respondent explained that it was the typist who erred in preparing the certificates of title, possibly believing that Hillcrest Housing Association, Inc., was the owner of the lots inasmuch as it was the name appearing on the letterhead of complainant's basic letter, dated 25 November 1980, requesting that individual titles be issued for the lots.

On the basis thereof, the LRA administrator, in a letter, dated 17 July 1987, directed respondent to show cause why no administrative charges should be filed against him for Grave Misconduct and Dishonesty. Respondent did not answer the charges and failed to appear at the formal investigation of the case, despite due notices to him.

After considering the evidence on record, the LRA administrator found respondent guilty of "Negligence" for his issuance of the 162 certificates of title, all in the name of Hillcrest Housing Association, Inc., and "Misconduct" for the substitution of the name of the registered owner in the titles without any court order, in violation of Section 108 of P.D. 1529, which provides that "no erasure, alteration, or amendment shall be made upon the registration book after entry of a certificate of title xxx by the Register of Deeds, except by order of the proper Court of First Instance (Regional Trial Court)".

Thus, in a letter, dated January 11, 1990, to the Department of Justice, the LRA Administrator, informing that respondent had earlier applied for RETIREMENT and ceased to discharge his duties effective April 1, 1988, recommended that a penalty of fine equivalent to his one (1) year salary be imposed upon him.

Upon review thereof, the Secretary of Justice, in a letter dated July 14, 1992, observed:

"That respondent has been remiss in the performance of his duties is readily apparent from the record and requires little elaboration. Suffice it to say that in the issuance of a certificate of title, or any type of certification for that matter, a public official is expected to exercise due diligence and prudence in ensuring that all the legal requirements are met and that all supporting documents are in order. The responsibility of a Register of Deeds, as in this case, is more exacting than that of an ordinary public official. Any irregular or anomalous titling of real property could create serious conflicts and sow confusion among claimants thereof. Consequently, such an error, could weaken the Torrens System and undermine public confidence thereon.

Respondent's defense that he did not participate in the preparation of the certificates as they had been prepared before he assumed office deserves scant consideration. By respondent's own admission, he did affix his signatures on the certificates. The fact also remains that he caused the release of said certificates.

On the other hand, respondent's actuations could hardly constitute dishonesty and misconduct. The evidence indicates that when respondent realized he had committed mistake, he took it upon himself to correct the error in the most expeditious manner. The most obvious and expedient way to him was to recall the certificates and correct the names typed thereon. While it is clear that he failed to follow the provisions of P.D. No. 1529, requiring a court order as a prerequisite to amend or alter certificates of title, it cannot be said that he was guided by improper motives. Hence, we fail to see any evidence of dishonest intentions. Likewise, we do not find evidence of misconduct in respondents actuations."

Accordingly, the Secretary of Justice recommended that respondent be found guilty of “simple negligence” and fined in an amount equivalent to his two (2) months’ salary.

After a review of the records, and in the light of the findings and recommendation of the Secretary of Justice, the evidence presented suffices to support respondent’s guilt of simple negligence.

WHEREFORE, respondent Atty. Vicente N. Coloyan is hereby found **GUILTY** of simple negligence and **FINED** in an amount equivalent to his two (2) months’ salary to be deducted from his retirement benefits due from the government.

DONE in the City of Manila, this 19th day of March, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **ANTONIO T. CARPIO**

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 46

AMENDING ADMINISTRATIVE ORDER NO. 22, SERIES OF 1992, PROMULGATING A COMMUNICATION AND ADVOCACY PROGRAM ON THE MEDIUM-TERM PHILIPPINE DEVELOPMENT PLAN, 1993-1998, AND CREATING A CABINET-LEVEL PRESIDENTIAL TASK FORCE TO COORDINATE AND OVERSEE ITS IMPLEMENTATION

WHEREAS, to ensure the effective implementation of the Communication and Advocacy Program, a Cabinet-level Presidential Task Force was created under Administrative Order No. 22, series of 1992, to coordinate and oversee the implementation of the Program;

WHEREAS, the enormous task of coordinating a sustained communication effort on the Plan requires the direct involvement and support of all agencies and sectors concerned; and

WHEREAS, there is now the need to include as members of the Task Force other agencies and sectors whose direct involvement or contribution is critical to the success of the Program;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order that Section 2 of Administrative Order No. 22, s. of 1992, be amended to include as additional members of the Presidential Task Force the following:

1. The Secretary of Tourism
2. The National Security Adviser, and
3. The Chairman, Development Bank of the Philippines.

Henceforth, the Task Force may call on any department, agency, or instrumentality of the government to provide such support as may be necessary to ensure the attainment of its objectives.

The Task Force may also call on the private sector for such assistance as may be necessary for the effective performance of its tasks.

This Order shall take effect immediately.

DONE in the City of Manila, this 10th day of April, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 47

AMENDING ARTICLE 417 OF THE RULES AND REGULATIONS IMPLEMENTING THE
LOCAL GOVERNMENT CODE OF 1991 APPROVED AND ADOPTED BY ADMINISTRATIVE
ORDER NO. 270 (1992)

WHEREAS, there is a need to amend Article 417 of the Rules and Regulations Implementing Republic Act No. 7160, otherwise known as the “Local Government Code 1991”, prescribed by Administrative Order No. 270 (1992), regarding the allowable changes in the local annual budgets;

WHEREAS, the Oversight Committee, constituted pursuant to Section 533 of Republic Act No. 7160, recommends the amendment of Article 417 of the Implementing Rules and Regulations;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Article 417 of the Rules and Regulations Implementing the Local Government Code of 1991 is hereby amended to read as follows:

“Art. 417. Changes in the Annual Budget. - Changes in the annual budget may be done through supplemental budgets.

“No ordinance providing for a supplemental budget shall be enacted except for the following:

(a) When supported by funds actually available as certified by the local treasurer:

Funds actually available refer to the amount of money actually collected as certified by the local treasurer at any given point during the fiscal year which is over and above the estimated income collection for that point in the year. Thus, funds are actually available when realized income exceeds estimated income as of any given day, month or quarter of the said fiscal year. Funds are likewise deemed actually available when there are savings. For this purpose, savings refer to portions or balances as of any given point in the fiscal year of any programmed or allotted appropriation which remain free of any obligation or encumbrance and which are still available after the satisfactory completion or the unavoidable discontinuance or abandonment of the work, activity or purpose for which the appropriation was originally authorized, or which result from unobligated compensation and related costs pertaining to vacant positions and leaves of absence without pay.

(b) If covered by new revenue source(s):

New revenue source refers to money measures not otherwise considered during the preparation and enactment of the annual budget. Such new revenue measures include ordinance passed by the *Sanggunian* during the fiscal year but after the annual budget had already been enacted into law which imposes new local taxes, charges, fees, fines or penalties, or which raises existing local taxes, charges, fees, fines or penalties. Such revenue sources also include new or higher remittances, contributions, subsidies or grants in aid from the National Government or from government corporations and private entities which have not been included in the estimate of income which served as basis for the annual budget.

“An ordinance providing for a supplemental budget may also be enacted in times of public calamity by way of budgetary realignment to set aside appropriations for the purchase of supplies and materials or the payment of services, which are exceptionally urgent or absolutely indispensable to prevent imminent danger to, or loss of, life and property, in the jurisdiction of the local government unit or in other areas declared in a state of calamity by the President. Such ordinance shall clearly indicate the sources of funds available for appropriations, as certified under oath jointly by the local treasurer and the local accountant and attested by the local chief executive, and various items of appropriations affected, and the reasons for the changes.”

SEC. 2. Provisions of the Rules and Regulations Implementing the Local Government Code of 1991 not affected hereby shall remain in full force and effect.

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 12th day of April, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **ANTONIO T. CARPIO**

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). [*Administrative Order Nos.: 1 - 100*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 48

**AUTHORIZING THE GRANT OF PRODUCTIVITY INCENTIVE AWARD ENJOYED BY
PERSONNEL OF GOVERNMENT FINANCIAL INSTITUTIONS FOR CALENDAR YEAR 1992**

WHEREAS, the Productivity Incentive Award (PIA) is authorized under Executive Order No. 486 (1991) as amended by Executive Order No. 518 (1992), which establishes the Performance Incentive System in Government-Owned and Controlled Corporations;

WHEREAS, Administrative Order No. 29 (1993) deferring the implementation of Executive Order No. 486 (1991), as amended, may cause demoralization in the ranks of personnel in Government Financial Institutions (GFIs) which may adversely affect their service efficiency; and

WHEREAS, although GFIs do not receive any subsidy from the national government, a significant portion of GFI income is being made available to the national government.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Government Financial Institutions, namely, Philippine National Bank, Development Bank of the Philippines, Government Service Insurance System, Social Security System, Land Bank of the Philippines, Central Bank of the Philippines, and Philippine Deposit Insurance Corporation, shall be allowed to grant the Productivity Incentive Award for Calendar Year 1992 authorized under Executive Order No. 486 (1991) as amended by Executive Order No. 518 (1992).

The PIA shall be based on the Calendar Year 1991 approval of the Office of the President for such grant to personnel in the GFIs.

Section 2. The Heads of GFIs shall promulgate uniform guidelines that shall govern the award of the PIA which shall be an exemption from Administrative Order No. 29 (1993).

Section 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 21th day of April, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:
(Sgd.) **ANTONIO T. CARPIO**
Chief Presidential Legal Counsel

Source: Malacañang Records Office

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 49
CREATING A FACT FINDING COMMITTEE TO INVESTIGATE THE ALLEGED
ANOMALIES IN THE IMPLEMENTATION OF THE DUTCH RURAL DEVELOPMENT
ASSISTANCE PROGRAM

WHEREAS, there have been allegations of anomalies in the disposition and implementation by the Department of Agrarian Reform of the P520 Million Dutch Rural Development Assistance Program; and

WHEREAS, there is a need to determine the veracity of said allegations in order that the appropriate corrective measures be undertaken.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. There is hereby created a Fact-Finding Committee (“Committee”) for the purpose of investigating alleged anomalies and determining all the facts and circumstances regarding the implementation of the P520 Million Dutch Rural Development Assistance Program.

Section 2. The Committee shall be composed of:

- a. Undersecretary Jose C. Medina – Chairman;
- b. Three (3) Representatives from the Department of Agrarian Reform, as members;
- c. Three (3) representatives from the Department of Justice, as members.

Section 3. The Committee is hereby granted the powers of an investigating body under Section 37, Chapter 9, Book I of the Administrative Code of 1987, including the power to summon witnesses, administer oath, take testimony or evidence relevant to the investigation, and to issue compulsory processes to produce documents, books, records and such other matters, in the performance of its functions.

Section 4. The Secretary of Agrarian Reform shall establish a Secretariat for the technical and staff support of the Committee.

Section 5. All the departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Committee may need in the discharge of its functions.

Section 6. The Committee shall submit its findings and recommendations to the President of the Philippines within a period of thirty (30) days from the date hereof.

DONE in the City of Manila, this 23rd day of April, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) ANTONIO T. CARPIO
Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 50
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION OF
PHILIPPINE INDEPENDENCE DAY ON 12 JUNE 1993

Pursuant to the powers vested in me by law, I, FIDEL V. RAMOS, President of the Philippines, do hereby create a National Committee to take charge of the celebration of Philippine Independence Day on 12 June 1993.

The Committee shall be composed of the following:

Secretary of Finance	– Chairman
Secretary of National Defense	– Vice-Chairman
Secretary of Foreign Affairs	– Member
Secretary of Agriculture	– Member
Secretary of Public Works and Highways	– Member
Secretary of Education, Culture, and Sports	– Member
Secretary of Labor and Employment	– Member
Secretary of Interior and Local Government	– Member
Secretary of Tourism	– Member
Secretary of Transportation and Communications	– Member
Secretary of Social Welfare and Development	– Member
Secretary of Budget and Management	– Member
Press Secretary	– Member
Chief of Staff of the Armed Forces of the Philippines	– Member
Chief of the Philippine National Police	– Member
Head, Presidential Management Staff	– Member
Chief of Presidential Protocol	– Member
Chairman, Metro Manila Authority	– Member
Chairman of the National Historical Institute	– Member

The Committee shall meet at the call of the Chairman and for purposes of discharging its functions, it may create such sub-committees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, for such assistance as it may need in the discharge of its functions.

DONE in the City of Manila, this 12th day of May, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) ANTONIO T. CARPIO
Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 51
IMPOSING THE PENALTY OF SUSPENSION FOR ONE MONTH WITHOUT PAY
ON ASSISTANT CITY PROSECUTOR MACMOD B. SANGCA, CITY
PROSECUTION OFFICE, MANILA

This refers to the administrative complaint filed by Atty. Jose V. Navarra against Assistant City Prosecutor Macmod B. Sangca, City Prosecution Office, Manila, for Negligence.

Records show that, on July 11, 1989, Atty. Jose V. Navarra filed a criminal complaint against Aurora Franco for Grave Threats with the City Prosecution Office, Manila, which was docketed under I.S. No. 89-28188.

The case was assigned to the respondent for preliminary investigation. After several hearings, the case was submitted for resolution on September 11, 1989.

Complainant alleged that, as respondent failed to resolve the preliminary investigation after the lapse of (4) months from the time the case was submitted for resolution, he sent reminder letters on January 17 and March 8, 1990. On May 28, 1990, he filed a complaint against respondent, but the City Prosecutor gave no attention thereto. Hence, on February 6, 1991, he filed this administrative complaint with the Department of Justice (DOJ).

Since respondent did not elect a formal investigation of the complaint, the same was resolved based on the complaint filed and answer/comment submitted, including attached documentary evidence.

Respondent admitted that the criminal complaint of Atty. Jose V. Navarra against Aurora Franco was indeed submitted for resolution on September 11, 1989. On January 22, 1990, he prepared the draft resolution finding the existence of probable cause against respondent Aurora Franco for light threats. However, the typing of the resolution and information was concluded only on April 2, 1990, and was submitted to Reviewing Prosecutor on the same day, for approval.

The resolution was returned to the respondent on May 3, 1990, by Reviewing Prosecutor Amado N. Cantor, with the comment that respondent Aurora Franco acted in her capacity as Barangay Chairman in the commission of the crime; hence, the case is an Ombudsman Case necessitating clearance before the City Prosecutor of Manila could take cognizance of the case.

Respondent further claimed that he complied with the directive of the Reviewing Prosecutor, but before he could secure a clearance from the Office of the Ombudsman, Chief State Prosecutor Fernando P. de Leon issued Memorandum Circular No. 2, dated April 6, 1990, dispensing with the requirement of prior clearance from the Ombudsman. Hence, he reverted to his former resolution of the preliminary investigation, but revised it to conform with the comment of the Reviewing Prosecutor.

He also reasoned out that the case could have been terminated at his end within the reasonable period had there been no legal and procedural intervening factors, which eventually caused the resultant delay in the resolution of the complaint of Atty. Navarra.

The then Secretary of Justice found respondent liable for Neglect of Duty and recommended that he be suspended for three (3) months without pay. The explanation given by the Secretary pertinently reads:

“We find the answer/comment of respondent Prosecutor untenable. It is very obvious that there was unreasonable delay in the resolution of the criminal complaint of Atty. Jose V. Navarra against Aurora Franco in I.S. No. 89-28188. As appearing in the documentary evidence submitted, this case was submitted for resolution on September 11, 1989 and was resolved by respondent Prosecutor only on April 2, 1990, more than six (6) months from the time of its submission, fully beyond the reglementary period of an investigating Prosecutor to resolve cases submitted.

“The defense put up by respondent Prosecutor that he prepared his draft resolution on January 22, 1990 and gave this to his stenographer for finalization is untenable. Granting that the workload of respondent was heavy, still it would not take seventy-one (71) calendar days to finish it. Respondent could even be termed as negligent or remiss in the performance of his duties for not properly supervising his subordinate. In fact, his office received several letters from the complainant inquiring as to the status of the case.”

At the outset, it must be stressed that the findings of DOJ Secretary Bello is only recommendatory in nature (*Cuyegkeng vs. Cruz*, 108 Phil. 1147), since the President has administrative disciplinary authority over respondent, who is a presidential appointee.

This brings to the fore the core issue of whether respondent should be held administratively liable for Neglect of Duty.

I concur with the findings of the DOJ Secretary.

Respondent presented justification as to the delay after he submitted his resolution to the Reviewing Prosecutor, but failed to present convincing evidence to justify the delay before he actually resolved the criminal complaint of Atty. Navarra against Aurora Franco.

WHEREFORE, premises considered, respondent Assistant City Prosecutor Macmod B. Sangca is hereby found liable for Neglect of Duty. However, considering that there is no evidence that he delayed the resolution of the case for ulterior or malicious purpose, he deserves the penalty of suspension for only one (1) month without pay.

Done in the City of Manila, this 12th day of May, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 52
DISMISSING FROM THE SERVICE WITH FORFEITURE OF RETIREMENT AND OTHER
BENEFITS ARSENIO P. LUMIQUED, REGIONAL DIRECTOR-CAR, DEPARTMENT OF
AGRARIAN REFORM

This refers to the three (3) complaints filed with the Board of Discipline of the Department of Agrarian Reform by therein complainant Jeanette Obar-Zamudio, Regional Cashier, against Arsenio P. Lumiqued, Regional Director, both of DAR - Cordillera Autonomous Region.

The Department of Justice, through DOJ Order No. 145, dated May 30, 1992, constituted a Committee to investigate the aforementioned complaints and to recommend appropriate action thereon.

Last October 22, 1992, Secretary of Justice Franklin M. Drilon sent a Memorandum for the President recommending the dismissal of Arsenio P. Lumiqued with forfeiture of all privileges.

This Memorandum discussed the Committee findings as follows:

“The complaint dated November 16, 1989, charged the respondent with malversation through falsification of official documents. It is alleged that during the period from April to September, 1989, the respondent submitted 124 falsified receipts for reimbursement of gasoline purchases. With the use of these falsified receipts, respondent claimed for and was paid reimbursement in the total amount of P64,279.44.

The complaint dated November 22, 1989 charged the respondent with violation of COA rules with intent to defraud the government. It is alleged that during the months of April, May, July, August, September, and October, 1989, respondent made cash advances in the amount of P116,800.00, purportedly for expenses for a seminar. These cash advances were never liquidated.

The complaint dated December 15, 1989, charged respondent with oppression and harassment. It was alleged by the complainant that by reason of her having filed the aforestated complaints, the respondent relieved her of her duties as Regional Cashier on December 1, 1989. Another complaint dated July 6, 1992 was submitted for a charge similar to that of November 16, 1989, involving gasoline purchase for April 1989.

This Office issued Department Order No. 145, dated May 20, 1992, constituting a committee composed of Regional State Prosecutor Apolinario G. Exevea, Baguio City Prosecutor Rodolfo V. Balajadia, and Provincial Prosecutor Felix Cabading to investigate the charges and recommend appropriate action.

After conducting hearings wherein the parties were given the opportunities to prove their respective positions, the Committee rendered its report finding the respondent Arsenio P. Lumiqued administratively culpable of all the charges.

The Committee found the charge of malversation through falsification sufficiently substantiated. The evidence submitted showed that of the 124 receipts

respondent submitted for reimbursement, 15 were verified to have been altered. A comparison of the duplicates with the issuing gasoline stations showed the average daily purchases made by respondent is 8.46 liters at the price of P50.00. The receipts submitted by respondent showed an average daily purchase of 108.5 liters at the price of P550.00.

The evidence presented by complainant was not rebutted by respondent. He admitted having claimed reimbursement for 108.45 liters, but justified the same as being used for four vehicles utilized for servicing five provinces and sixty four municipalities; that the payments were made on the basis of falsified receipts should be the responsibility of the auditors.

The Committee likewise found sufficient evidence to support the charge of unliquidated cash advance. The 'requests' for allotments and vouchers covering the amount were signed by respondent. These evidence cannot be overcome by respondent's uncorroborated denial or by the certification issued by the DAR Administrative Officer to the effect that respondent had no unliquidated cash advance.

Finally, the charge of oppression and harassment was sufficiently established. The fact that respondent ordered complainant's relief barely three weeks after the filing of the charges and the intimidating tenor of respondent's memorandum ordering the relief indicates it was intended as a retaliation. The allegation that the relief was made upon the recommendation of Jose G. Medina of the COA is nothing but a mere subterfuge. The recommendation came three months after the relief was effected.

The evidence thus far adduced proves the propensity of the respondent to take advantage of his position to the detriment of public interest he has sworn to serve. Time and again, it has been emphasized that a public office is a public trust. A public servant must exhibit at all times a highest sense of honesty and integrity (*Ancheta vs. Hilario*, 26 SCRA 819). In the instant cases, the offenses charged against respondent are serious and the circumstances surrounding the commission and the evidence of guilt is strong and overwhelming as to warrant the penalty of dismissal (*Alcolala vs. Tolentino*, 83 SCRA 789).

It was noted that complainant filed an affidavit of desistance on July 10, 1991. This will not, however, prevent this office from rendering a resolution in this case. At stake in this investigation is not only the violation of complainant's personal rights. It is the competence and fitness of the respondent to remain in public office. At any rate, the evidence on record may call for a punitive action against the respondent on the initiative of DAR. (*Cruz vs. Mudlong*, 96 SCRA 819)." (Underscoring Ours.)

To this Memorandum, respondent Lumiqued, through counsel, submitted a Motion for Reconsideration dated December 17, 1992.

From the foregoing, we find respondent Lumiqued administratively liable for DISHONESTY in the alteration of fifteen (15) gasoline receipts.

That the receipts were merely turned over to him by his drivers and that the auditor and accountant of the DAR-CAR should be the ones to be held liable is untenable. The receipts in question were signed by respondent for the purpose of attesting that those receipts were validly issued by the

commercial establishments and were properly disbursed and used in the official business for which it was intended.

This Office is not about to shift the blame for all these to the drivers employed by the DAR-CAR as respondent would want us to do.

This Office, however, believes that the charges of oppression and harassment as well as charges of unliquidated cash advances have not been satisfactorily established.

WHEREFORE and as recommended by the Secretary of Justice, ARSENIO P. LUMIQUED, Regional Director – Cordillera Autonomous Region, Department of Agrarian Reform, is hereby **DISMISSED** from the service, for Dishonesty, with all the accessory penalties of dismissal including the forfeiture of retirement and other benefits.

DONE in the City of Manila, this 12th day of May, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **ANTONIO T. CARPIO**

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 53

IMPLEMENTING THE GRANT OF ADDITIONAL COMPENSATION IN THE AMOUNT OF P500.00 PER MONTH TO PUBLIC SCHOOL TEACHERS, AND UNIFORMED PERSONNEL OF THE PHILIPPINE NATIONAL POLICE AND THE ARMED FORCES OF THE PHILIPPINES, AND EXTENDING THE BENEFIT TO THE REST OF THE PERSONNEL OF THE GOVERNMENT

WHEREAS, additional compensation in the amount of P500.00 per month is authorized under the Compensation Adjustment Fund provided under R.A. No. 7645 (General Appropriations Act for 1993) to be paid effective May 1, 1993 to public school teachers with salary grade up to grade 25 and to uniformed personnel of the Philippine National Police (PNP) up to the rank of Superintendent and the Armed Forces of the Philippines (AFP) up to the rank of Lieutenant Colonel; and

WHEREAS, consistent with the compensation policy enunciated under Section 5 of Article IX-B of the Constitution, the same benefit should be extended to the rest of the personnel of the government pursuant to Section 5 of P.D. No. 1597 and Sections 14(a) and 21 of R.A. No. 6758.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. PURPOSE/OBJECTIVE

This Administrative Order is issued to:

- 1.1 Implementing the grant of additional compensation of P500.00 per month to public school teachers and uniformed personnel of the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP) pursuant to the Special Provision of the Compensation Adjustment Fund in R.A. No. 7645, the General Appropriations Act for 1993; and
- 1.2 Extend the same privilege to the rest of the personnel of the government, which shall partake of an allowance and not subject to GSIS, HDMF Fund premiums and income tax deductions pending its formal integration into the basic pay of subject government personnel.

2. COVERAGE

- 2.1 The grant of the additional compensation authorized in said Special Provision shall be limited to public school teachers under the Department of Education, Culture and Sports (DECS) occupying positions allocated to Salary Grade 25 and below, and uniformed personnel of the PNP up to the rank of Superintendent and of the AFP up to the rank of Lieutenant Colonel.
- 2.2 The rest of the government personnel not mentioned in Item 2.1 hereof shall be limited to those occupying positions allocated to Salary Grade 25 and below whether regular or full-time casual, temporary status and contractual personnel whose employment are in the nature of a regular employee; provided that in the case of contractual personnel they shall not be allowed the benefits herein authorized under their contract of employment at the

time of the issuance of this Order but only if their contract of employment will be renewed after the expiration of said employment contract.

- 2.3 Consultants and others whose nature of employment is of the same nature as consultants are not entitled to the benefits herein prescribed.

3. FUNDING SOURCE

- 3.1 The additional compensation herein authorized in the case of those mentioned in Item 2.1 above shall be taken from the appropriations provided under the Compensation Adjustment Fund in R.A. No. 7645, the General Appropriations Act for 1993.
- 3.2 In the case of government personnel referred to in Item 2.2 above, the use of savings realized from personal services to fund the cost that will be required is hereby authorized, subject to Section 33, General Provisions of R.A. No. 7645, the General Appropriations Act for 1993.
- 3.3 In the case of government-owned and/or controlled corporations and financial institutions, the necessary amount shall be sourced fully from their respective corporate funds, and in the case of local government units, from their respective local funds.

4. RELEASE OF FUNDS AND PAYMENT OF SAID ADDITIONAL COMPENSATION

- 4.1 In the case of government personnel mentioned in Item 2.1 above, the Department of Budget and Management is hereby directed to release the necessary funds for the purpose to concerned government offices out of the amount provided under the Compensation Adjustment Fund in R.A. No. 7645. Concerned government offices, however, are hereby authorized to use whatever cash available from their Common Funds to pay the additional compensation herein authorized without waiting for the receipt of the Advice of Allotment and Notice of Cash Allocation for the purpose. In this connection, agencies are to submit reimbursement request to the Department of Budget and Management for the amount utilized from their Common Funds following the format in Annex A.

5. RESPONSIBILITY OF THE HEAD OF AGENCY

- 5.1 The heads of concerned government offices/agencies shall be held responsible and personally liable for any payment of additional compensation herein authorized not in accordance with the provisions of this Order, without prejudice, however, to the refund of any excess payment by the employee concerned.

6. SAVING CLAUSE

- 6.1 Cases not covered by the provisions of this Order shall be submitted to the Secretary of Budget and Management for appropriate evaluation and recommendation to the Office of the President.

7. EFFECTIVITY

- 7.1 The additional compensation mandated under this Order shall take effect 1 May 1993.

DONE in the City of Manila, this 17th day of May, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) ANTONIO T. CARPIO
Chief Presidential Legal Counsel

Reference: Annex A

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 54

AMENDING ADMINISTRATIVE ORDER NO. 50, CREATING A NATIONAL COMMITTEE TO
TAKE CHARGE OF THE CELEBRATION OF PHILIPPINE INDEPENDENCE ON 12 JUNE 1993

Pursuant to the powers vested in me by law, I, FIDEL V. RAMOS, President of the Republic of the Philippines, do hereby amend Administrative Order No. 50 (Creating a National Committee to Take Charge of the Celebration of Philippine Independence on 12 June 1993), as follows:

The Chairman of the abovementioned National Committee shall be the Secretary of Education, Culture, and Sports. The Secretary of Finance shall act as member of the Committee.

All other provisions and functions of the Committee indicated in the earlier Administrative Order continues to take effect.

DONE in the City of Manila, this 17th day of May, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) ANTONIO T. CARPIO
Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 55

AMENDING SECTION 3 OF ADMINISTRATIVE ORDER NO. 40, S. 1993, "PRESCRIBING GUIDELINES FOR THE TREATMENT OF THE PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES AND PHILIPPINE NATIONAL POLICE, WHO ARE FACING ADMINISTRATIVE AND CRIMINAL CHARGES"

I, **FIDEL V. RAMOS**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the amendment of Section 3 of Administrative Order No. 40, s. 1993, "Prescribing Guidelines For The Treatment Of The Personnel Of The Armed Forces Of The Philippines And Philippine National Police, Who Are Facing Administrative And Criminal Charges", to read as follows:

"Sec. 3. Service-connected crimes or offenses shall, pursuant to Republic Act No. 7055, be tried by court-martial: *Provided*, That the President of the Philippines may, in the interest of justice, *motu proprio* or upon the recommendation of the Chief of Staff of the Armed Forces of the Philippines, order or direct at any time before arraignment that any such crimes or offenses be tried by the proper civil courts."

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 21st day of May, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:
(Sgd.) **ANTONIO T. CARPIO**
Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 56
CREATING A NATIONAL COMMITTEE FOR THE PHILIPPINE OBSERVANCE OF THE
FIFTIETH ANNIVERSARY OF THE UNITED NATIONS ON 24 OCTOBER 1995

WHEREAS, the United Nations will celebrate its fiftieth anniversary on 24 October 1995; and
WHEREAS, the United Nations has urged member-states to establish national committees which shall prepare fitting activities for this anniversary in coordination with the United Nations Secretariat.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. There is hereby created a National Committee for the Philippine Observance of the Fiftieth Anniversary of the United Nations on 24 October 1995 ("Committee") which shall be composed of the following:

Secretary, Department of Foreign Affairs	– Chairman
Secretary, Department of Education, Culture and Sports	– Member
Secretary, Department of National Defense	– Member
Secretary, Department of the Interior and Local Government	– Member
Secretary, Department of Tourism	– Member
Secretary, Department of Budget and Management	– Member
Director-General, National Economic and Development Authority	– Member
Press Secretary, Office of the President	– Member
Chief Presidential Legal Counsel	– Member
Chief of Staff, Armed Forces of the Philippines	– Member
Chairman, National Commission on Culture and Arts	– Member
President, Cultural Center of the Philippines	– Member
President, United Nations Association of the Philippines	– Member

The Chairman and members shall designate their respective representatives in the event that they cannot attend the meetings of the Committee.

Section 2. The Committee shall prepare the national programme for the celebration of this event in coordination with the United Nations Secretariat.

The Committee is hereby authorized to call upon any government agency including government-owned and/or controlled corporations for assistance in the performance of its functions. It may likewise solicit the assistance and cooperation of private individuals or organizations involved in the various activities of the United Nations.

Section 3. A Secretariat is hereby created at the Office of United Nations and Other International Organizations (UNIO), Department of Foreign Affairs, to be headed by the Assistant Secretary for UNIO. The Secretariat shall provide administrative and technical support for the meetings of the Committee and its sub-committees.

Section 4. All funds necessary for the operation of the Committee and its Secretariat shall be charged against the appropriations of the Department of Foreign Affairs, subject to the usual accounting and auditing rules and regulations.

Section 5. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 31st day of May, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 57

**PRESCRIBING THE GUIDELINES FOR THE ADVANCE PAYMENT OF ONE-HALF (1/2) OF
THE AMOUNT OF THE CHRISTMAS BONUS AND CASH GIFT FOR CY 1993 UNDER
R.A. NO. 6686 TO GOVERNMENT PERSONNEL**

I, **FIDEL V. RAMOS**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1.0 COVERAGE

- 1.1 All government personnel whether under regular, temporary or casual status, and contractual personnel whose employment are in the nature of a regular employee, who have rendered at least a total of four (4) months of service including leaves of absence with pay in the government from January 1 to May 15, 1993 and who are still in the government service as of May 15, 1993 are entitled to the benefit herein authorized.
- 1.2 Government personnel with pending cases, whether or not they are under preventive suspension, those on leave without pay and those absent without official leave (AWOL) shall not be entitled to the benefits herein authorized.

2.0 RULES AND REGULATIONS

- 2.1 The benefits herein authorized involves the advance payment of one-half (1/2) of the amount of the Christmas Bonus and Cash Gift for CY 1993 under R.A. No. 6686. Said benefits shall be deducted in full from the total amounts due the official/employee during the regular payment of the Christmas Bonus and Cash Gift for CY 1993.
 - 2.2 Officials/employees who availed of the benefits herein authorized and who resign and/or are separated from government service for whatever cause before October 31, 1993 shall be required to refund the amounts received.
For this purpose, the head of the office/agency concerned and such other officials/employees who took part in the grant of subject benefits shall cause the deduction of the above advance payments from any benefits, including against the last salary, due the official/employee whose government service ends before October 31, 1993.
 - 2.3 An official or employee who is on full-time or part-time detail with another government office/agency or special project shall receive his benefits under this Order from his mother agency. In the case of personnel paid from project funds, the benefits shall be drawn from the same source where he draws his salary. No one shall receive the benefits under this Order from more than one source.
 - 2.4 Officials and employees who are employed on a part-time basis are entitled to the benefits provided herein corresponding to the basic salary he is actually receiving and a pro-rata amount of the P1,000.00 Cash Gift. Those, who by the nature of their employment, are on part-time service with two (2) different agencies, where part-time service in one
-

agency is equivalent to one-half day service, shall be entitled to claim payment for the corresponding service in each agency, provided that the total benefits shall not exceed the equivalent amount provided in this Order.

2.5 The benefits under this Order of an official/employee who has transferred from one agency to another shall be paid by his new Office.

3.0 RELEASE OF FUNDS AND PAYMENT OF SAID BENEFITS

3.1 The Department of Budget and Management is hereby directed to release the necessary funds to concerned government offices out of the amounts provided for the purpose in R.A. No. 7645, the 1993 General Appropriations Act.

3.2 Agencies, however, may use whatever cash is available from their Common Funds to pay the benefits herein authorized without waiting for the receipt of the Advice of Allotment and Notice of Cash Allocation for the purpose.

4.0 FUNDING SOURCE

4.1 In the case of the personnel of regular government offices and agencies, the amounts required shall be taken from the approved appropriations for the purpose under the General Appropriations Act for CY 1993.

4.2 In the case of government-owned and/or controlled corporations (GOCCs) and government financial institutions (GFIs), the amounts required shall be sourced fully from their corporate funds.

4.3 In the case of local government units (LGUs), the amounts required shall be sourced fully from their respective local funds.

5.0 RESPONSIBILITY OF THE HEAD OF AGENCY

The heads of concerned government offices/agencies shall be held responsible and personally liable for any payment of the benefits herein authorized not in accordance with the provisions of this Order, without prejudice, however, to the refund of any excess payment by the employee concerned.

6.0 AUTHORIZED DEDUCTIONS

The benefits herein authorized shall not be subject to GSIS, Pag-Ibig Fund premiums and income tax deductions. These deductions will be made when the remaining one-half (1/2) of the benefits for CY 1993 is granted on or after November 15, 1993.

7.0 CASES NOT COVERED

Cases not covered by the provisions of this Order shall be submitted to the Secretary of Budget and Management for appropriate evaluation and resolution.

8.0 EFFECTIVITY

This Order shall take effect immediately.

DONE in the City of Manila, this 1st day of June, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **ANTONIO T. CARPIO**

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 58

**DIRECTING THE IMMEDIATE REAPPOINTMENT AND PAYMENT OF SALARIES AND
OTHER REMUNERATION OF NATIONAL GOVERNMENT PERSONNEL TRANSFERRED
TO LOCAL GOVERNMENT UNITS PURSUANT TO THE DEVOLUTION OF FUNCTIONS,
POWERS AND RESPONSIBILITIES MANDATED UNDER THE
LOCAL GOVERNMENT CODE OF 1991**

WHEREAS, personnel of national government agencies affected by the devolution of powers, functions and responsibilities have been transferred to local government units pursuant to the provisions of the *Local Government Code of 1991*;

WHEREAS, the absorption of said personnel by the local government units to which they belong or in whose areas they are assigned is mandatory, except when it is not administratively viable as determined by the Oversight Committee constituted under Section 533 of the *Code*;

WHEREAS, the rights accorded to such personnel pursuant to Civil Service laws, rules, and regulations shall not be impaired as a consequence of the devolution;

WHEREAS, pursuant to Section 78 of the *Code*, the Civil Service Commission has declared that devolved permanent personnel shall be automatically reappointed by the local chief executives concerned immediately upon their transfer; and

WHEREAS, local government units have been directed to include in their respective annual budgets for the fiscal year 1993 the personal services and maintenance and other operating expenditure requirements for the exercise of the devolved functions of such national government agencies as the Department of Agriculture, Department of Environment and Natural Resources, Department of Health, and the Department of Social Welfare and Development.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, upon the recommendation of the Oversight Committee constituted under Section 533 of the *Code*, through its Chairman, do hereby order and direct:

Section 1. **Reappointment of Devolved Personnel.** - All positions transferred from national government agencies affected by the devolution shall be deemed automatically created and integrated in the existing organizational structures and staffing patterns of local government units. The incumbents of such positions shall be immediately issued notices of reappointments by the concerned local chief executives, effective as of the actual date of transfer. The said incumbents shall be entitled to receive their salaries and other remuneration from the local government units starting on the effectivity dates of their reappointment. Advances made by the Department of Agriculture and the Department of Health for the 1 January - 31 March 1993 requirement of their devolved functions and personnel pursuant to Executive Order No. 51, dated 22 January 1993, shall be deemed paid by the local government units upon deduction of the corresponding amounts from their respective internal revenue allotment shares.

Section 2. **Exemptions.** - Local government units may be exempted from the reappointment of certain devolved personnel upon Oversight Committee determination of administrative non-viability. Pending such determination, the salaries and other remuneration of the personnel in question shall continue to be paid by the concerned local government units. The national government shall reimburse

such amounts paid once the Oversight Committee determines that the absorption of the devolved personnel is not administratively viable. Requests for exemption shall be submitted through the Civil Service Commission and the Department of the Interior and Local Government.

Section 3. **Sanctions.** - Subject to Civil Service law, rules and regulations, appropriate disciplinary action shall be taken by the Secretary of the Interior and Local Government against local officials found violating this Order. Such amounts as may be necessary to pay for the salaries and other authorized remunerations of the affected devolved personnel shall be deducted by the Department of Budget and Management from the internal revenue allotment shares of the local government units of these local officials and remitted to said affected devolved personnel through their mother agencies.

Section 4. **Effectivity.** - This Order shall take effect immediately.

DONE in the City of Manila, this 3rd day of June, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACANANG
MANILAADMINISTRATIVE ORDER NO. 59
SUSPENDING PROVINCIAL PROSECUTOR PEDRO M. VICTORIANO, JR. OF ROMBLON FOR
A PERIOD OF SIX (6) MONTHS WITHOUT PAY

This is an administrative complaint filed by Mayor Manuel Arboleda of Looc, Mayor Ulysses Cawaling of San Jose and Mayor Leo Machon of Santa Fe, all of Romblon, against respondent, Romblon Provincial Prosecutor Pedro M. Victoriano, Jr., for neglect of duty and harassment of public officials.

The case was initially heard by Acting Regional State Prosecutor Leon M. de Villa (Region IV) of the Department of Justice (DOJ) who dismissed the complaint on the grounds of failure to prosecute and lack of merit. Complainants filed a motion for reconsideration which, however, was overtaken by Department of Justice Order No. 254 (1989) designating State Prosecutor Bernelito R. Fernandez to conduct the formal investigation of the case. After the formal investigation, then DOJ Acting Sec. Eduardo G. Montenegro recommended to the Office of the President the suspension of respondent for a period of six (6) months without pay. Sec. Montenegro exonerated respondent from the charge of harassment of public officials but found him guilty of the charge of neglect of duty.

The charge against respondent of neglect of duty is grounded on the following sets of circumstances: (1) the dismissal of three (3) criminal cases pending before the RTC of Odiongan, Romblon due to the failure of the Office of Romblon Provincial Prosecutor to prosecute the cases; and (2) the delay in the resolution of the cases concerning the M/B Jem II sea disaster.

It appears, from the records, that the following cases were dismissed by the Regional Trial Court (RTC) of Odiongan, Romblon for the prosecutor's failure to prosecute the same: (1) *People v. Noe Domingo* (Crim. Case No. OD-237) for homicide; (2) *People v. Dominador Montoya* (Crim. Case No. OD-328) for homicide; and (3) *People v. Romeo Torres, et al.* (Crim. Case No. OD-180) for frustrated homicide.

People v. Domingo was scheduled for hearing on August 1, 1989 but respondent failed to attend notwithstanding the fact that the notice of hearing was received by the Office of the Provincial Prosecutor on July 17, 1989. The circumstances of the dismissal of this case were explained in the following August 1, 1989 Order of the trial court:

“When this case was called for hearing, the attention of this court was called by the interpreter as to the [radio] message sent by Prosecutor Pedro M. Victoriano, Jr. requesting for the postponement of this case. The defense counsel insisted for the trial of this case, claiming that the above-entitled case had been pending for two (2) years and that the accused is a detention prisoner. Going over the records, as well as the grounds manifested by the defense counsel, this Court, is of the impression that there is no reason for the government or its representative to be absent in this court since there are four (4) prosecutors for the Province of Romblon. It is very unusual to find that not one of the four Prosecutors is in the courtroom, *notwithstanding that the notice of hearing of this case has been sent to the office of the Prosecutor on July 17, 1989 or a period of two weeks. This*

period could have afforded the Office of the Prosecutor enough time to adjust their calendar so as to assign one prosecutor for this court in order to prosecute the above-entitled case; knowing that the accused is a detention prisoner and that he is, pursuant to Art. 3 of 1987 Constitution, entitled to speedy and impartial trial.

X X X

WHEREFORE, in the interest of justice and considering that the accused is entitled to speedy trial, this court acting upon the oral manifestation made by counsel for the defense for the dismissal of this case, is constrained to have the above-entitled case dismissed x x x” (Underscoring supplied).

The second case, *People v. Montoya*, which was scheduled for hearing also on August 1, 1989, was dismissed based on the same circumstances as *People v. Domingo*.

The third case, *People v. Torres*, was scheduled for hearing on August 2, 1989 and respondent was notified on July 24, 1989 of said hearing but failed to attend. The trial court dismissed the case with the following explanation in its Order dated August 2, 1989:

Considering the manifestation made by counsel for the accused for the dismissal of the above-entitled case claiming that this case has been pending since February 1986, and considering, after verifying from the records, *that the notice of hearing was received by the office of the Provincial Prosecutor on July 24, 1989, thereby giving the latter ample time within which to adjust their calendar so as to avoid conflict of schedule of court trials because there are four of them in the province of Romblon who could easily handle cases assigned to each of them if properly scheduled*, the reason manifested by [radio] message by the Provincial Prosecutor, for conflict of schedule, is not and could not be considered meritorious or justifiable to frustrate the right of the accused to speedy trial as provided for under Article 3 of the 1987 Constitution.

X X X

WHEREFORE, in the interest of justice, the above entitled case is hereby **DISMISSED**” (Underscoring supplied).

Respondent, in his Memorandum filed with the DOJ, explained his failure to attend to the hearings by stating that: (1) the notices of hearings were initially served on the Office of the Provincial Prosecutor of Romblon at the Odiongan office while respondent normally held office in Romblon, Romblon; (2) by the time the notices of hearings were transmitted to the Romblon office, respondent had left for Manila and didn’t return until July 29, 1989, a Saturday; (3) respondent also had hearings elsewhere on August 1 and 2, 1989 and he couldn’t send the only available prosecutor for hearings for the three cases in Odiongan, Prosecutor Rocero, due to the latter’s physical disability and lack of familiarity with the cases; and (4) respondent sent a radio message to the trial court concerned requesting for postponements of hearings and assumed that the motions would be granted considering that at that stage, the prosecution had already rested in all the cases involved.

Respondent's explanations cannot excuse him from responsibility for the dismissal of the three (3) criminal cases. The notices of hearings were received by respondent's office at Odiongan on July 17 and 24, 1989 while by respondent's own account, he did not leave for Manila until the afternoon of July 24, 1989. His failure to become aware of these notices cannot be validly attributed to the fact that he normally held office in Romblon, Romblon instead of at the Odiongan office. This failure was due to the fact that respondent did not institute a mechanism which would have enabled him to immediately take cognizance of the papers sent at the Odiongan office. In short, there was an administrative failure which prevented him from performing his duties properly.

In any case, respondent did become aware of the notices of hearing on July 31, 1989. Although he could not have attended the hearings in Odiongan on August 1 and 2, 1989 because of a conflict of schedules, respondent could have sent Prosecutor Rocero, who by his own admission, was available for the hearings of the three (3) cases in Odiongan. Instead, respondent chose to remedy the situation by sending a radio message to the trial court in Odiongan asking for a postponement of the hearings and assuming that the motions for postponement would be granted since the prosecution had already rested in the three (3) cases.

The rule, however, is well-settled that lawyers should not presume that courts would grant their motions for extension or postponement and act on the presumption that said motions were granted (*Roxas v. Court of Appeals*, G.R. No. 76549, December 10, 1987, 156 SCRA 252). Respondent, therefore, by deciding not to attend the hearings on the presumption that his motions for postponement were granted, clearly neglected his duty to the State to prosecute individuals accused with the commission of crimes.

That the prosecution had already rested its case at the time respondent failed to attend the hearings is of no moment for as the DOJ noted, "[a]t every stage of the proceeding, the presence of the respondent-prosecutor is required and indispensable. Considering that the accused in the cases were detention prisoners and that these cases had already been pending for one year, further delay of the proceedings could no longer be tolerated or countenanced" (DOJ Report and Recommendations, p.8).

The charge against respondent of neglect of duty is bolstered by the delay in the resolution of two cases handled by respondent. After the sinking of a watercraft called M/B JEM II, which resulted in the drowning of about twenty-three (23) people, two criminal complaints were filed with the Romblon Provincial Prosecutor's Office against the people responsible for the sinking of the boat.

The first complaint, for multiple homicide thru reckless imprudence, was filed with the Provincial Prosecutor on January 15, 1989 but it was not until May 8, 1989 that a resolution was issued recommending the filing of the information. The information was filed in court only on June 20, 1989 or more than six (6) months after the filing of the complaint.

The second complaint, for violation of the Public Service Law, was filed with respondent on February 24, 1989. Respondent issued the resolution recommending the filing of the information on May 23, 1989 and the information was filed only on June 20, 1989.

Respondent contends that both cases were resolved within the one hundred twenty (120) day period within which prosecutors were, in 1989, required by the Department of Justice to finish a preliminary investigation. Respondent argues that the delay occurred in the filing of information. According to him, "when there was delay in the filing of the two informations for Violation of the Public Service Law and for Multiple Homicide thru reckless Imprudence before Branch 82 of the RTC of Odiongan, Romblon, the members of the support staff should assume responsibility. This should be for the physical act of filing informations in Court is already left with them" (Respondent's Memorandum, p. 27).

The responsibility for the delay in the filing of the informations cannot be passed on by respondent to his subordinates. His responsibility over cases pending with him does not end with the issuance of a resolution recommending the filing of a information. In cases where there is a finding of probable cause sufficient to cause the filing of an information against the accused, the prosecutor's responsibility over the case extends not only during the preliminary investigation but also during trial of the case in court. Necessarily, the expeditious filing of the information after the resolution of the preliminary investigation as the initiation of the court proceedings of the case is within the realm of the prosecutor's responsibility over the case (See *University of the Phils. v. City Fiscal of Quezon City*, G.R. No. L-18567, July 31, 1962, 2 SCRA 980).

The delay in the filing of the informations in the two cases involving the M/B JEM II sinking, which is attributable to respondent, coupled by the dismissal of three (3) cases, discussed above, on the ground of failure to prosecute by respondent, constitute neglect of duty.

Complainants also charged respondent with harassment, claiming that the latter committed acts of malicious prosecution against one of the mayors in Romblon. From the records, it appears that respondent conducted a preliminary investigation against one of the complainants, Mayor Ulysses Cawaling of San Jose, Romblon, for estafa thru falsification of public document. In addition, respondent was the trial prosecutor in the murder case against Mayor Cawaling.

To constitute malicious prosecution, there must be proof that the prosecution was prompted by a sinister design to vex and humiliate a person and it was initiated deliberately with the knowledge that the charge were false and groundless (*Manila Gas Corp. v. CA*, G.R. No. L-44190, October 30, 1980, 100 SCRA 602). In short, malice must be proved (*Rehabilitation Finance Corp. v. Koh*, G.R. No. L-15512, February 28, 1962, 4 SCRA 535). No such evidence was presented to prove the charge of harassment through malicious prosecution.

WHEREFORE, in view of the foregoing and in accordance with the recommendations of the Department of Justice, Provincial Prosecutor Pedro M. Victoriano, Jr. is found guilty of neglect of duty and is suspended from office for a period of six (6) months without pay, effective upon receipt of a copy of this Administrative Order.

DONE in the City of Manila, this 17th day of June, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) ANTONIO T. CARPIO

Chief Presidential Legal Counsel

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 60
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON FIRST
ASSISTANT PROVINCIAL PROSECUTOR SESINIO B. BELEN, PROVINCIAL
PROSECUTION OFFICE, PALAWAN

This refers to the administrative complaint filed by Vicente Buenavista, Jr., against First Assistant Provincial Prosecutor Sesinio B. Belen, Provincial Prosecution Office, Palawan, for serious misconduct, grave ignorance or indifference to the law.

In the affidavit executed by the complainant on 13 September 1988, he alleged that herein respondent was the investigating prosecutor in Criminal Cases Nos. 6744 and 6745 for the rape of complainant's eleven year-old daughter. These cases were subsequently dismissed, albeit provisionally, on the basis of an Affidavit of Desistance purportedly executed by the victim herself. This affidavit was found to have several infirmities such as: being sworn before the respondent prosecutor without requiring the affiant's parental consent; neither was there a counsel assisting the affiant when she executed it or later when she had it sworn before the respondent; and that there was a discrepancy between the Motion to dismiss and the Affidavit of Desistance. The Motion, which was based on the Affidavit, was dated 04 July 1988 whereas the Affidavit itself was dated 26 July 1988. In other words, the Motion to Dismiss was prepared twenty two (22) days ahead than the Affidavit of Desistance.

These irregularities were brought to the attention of the court, which subsequently ordered for the reopening of the said cases which until now are still pending.

Respondent, in the original administrative case filed against him, submitted his answer-explanation and claimed that somebody accompanied the girl to his office; that he was convinced of the truthfulness and veracity of her statement and that she acted on her own free will; that he had no knowledge that she was the victim of kidnapping by the accused; that he was aware of negotiations between the parties for a possible compromise and that he could not prolong the prosecution of the case because the accused had been detained for a long time already. Thereafter, the then Undersecretary of Justice Artemio G. Tuquero resolved the case on 01 February 1991, finding respondent's action "short of the diligence required of a public officer who represents the State". Respondent was thus admonished and reminded to be more careful in the performance of his duties.

Complainant utilized the same Affidavit dated 13 September 1988 to charge the presiding judge handling the cases before the Supreme Court. The dispositive portion of the Supreme Court decision promulgated on 19 July 1990 reads as follows:

"Wherefore, the court finds respondent Judge Marcelo Garcia guilty of serious misconduct and hereby orders his immediate dismissal from the service with forfeiture of retirement benefit except the value of his accrued leaves.

"In view of Asst. Fiscal Sesinio B. Belen's questionable actuations in the dismissal of Criminal Cases No. 6744 and 6745 and Criminal Case No. 9756 (for

kidnapping), let a copy of this decision be furnished the Honorable Secretary of Justice for his information and proper disposition.”

Subsequently, after the aforementioned decision of the Supreme Court was published and a copy thereof furnished the Department, then Secretary Franklin M. Drilon motu proprio ordered the administrative case against the respondent reopened and to conduct formal investigation of the case. Likewise, on 28 August 1990, complainant sent a letter to the Department appealing for the revival of his complaint against respondent. On 26 February 1991, a reinvestigation was conducted by a Senior State Prosecutor. In the respondent’s “Ex-Parte Manifestation” dated 3 April 1991, citing there were no new matters adduced, he submitted the case for resolution to which the complainant concurred. In the same manifestation, respondent raised the issue of res judicata pointing out that the 01 February 1989 resolution wherein he was admonished has become final. He also averred that complainant’s reason for re-opening which was “as a result of the very disappointing action taken dated February 1, 1989 by the Undersecretary of Justice Artemio G. Tuquero” is not a valid or legal ground for reopening the case.

The issue to be resolved is whether or not respondent should still be held administratively liable for the same act as he was previously admonished in the 01 February 1991 resolution of the then Undersecretary of Justice Artemio G. Tuquero.

Respondent’s contentions are without merits.

As a general rule, the findings of facts of quasi-judicial agencies, which have acquired expertise because their jurisdiction is confined to specific matters, are accorded not only respect but at times finality if such findings are supported by substantial evidence (*Dangan vs. NLRC*, 127 SCRA 706; *Philippine Labor Alliance Council vs. Bureau of Labor Relations*, 75 SCRA 162).

However, in *Ateneo de Manila University vs. Court of Appeals*, 145 SCRA 100, 106, it states: “However, there are exceptions to this rule and judicial power asserts itself whenever the factual findings are initiated by fraud, imposition or collusion; where the procedure which led to the factual findings is irregular; when palpable errors are committed; or when a grave abuse of discretion, misapprehension of facts, arbitrariness or capriciousness is manifest, (*Sichangco vs. Commissioner of Immigration*, 94 SCRA 61)”.

Scrutiny of the records of the case shows that there was misapprehension of facts. These facts which were taken into consideration by the Supreme Court in its decision dismissing respondent judge from the service, were not considered when the Department resolved the administrative case on 01 February 1991. These are:

1. In the respondent’s comments dated 23 September 1988 on the complaint, he stated that when the rape victim Gail Buenavista appeared before him to have her Affidavit of Desistance subscribed by him, the victim was accompanied by somebody. Knowing the affiant to be a minor, respondent should have asked if she had her parents with her, or whether she had a counsel, or who was her companion and for what purpose why that companion was with her.

2. Further, respondent stated that on 26 July 1988 he subscribed the Affidavit of Desistance of Gail Buenavista. This affidavit was made the basis of the motion to Dismiss which was dated 04 July 1988. It appears therefore that the Motion was prepared in anticipation that an Affidavit of Desistance would be executed by the victim. The discrepancy on the dates was not questioned by the respondent when the motion was heard and expectedly did not object to the motion. Moreover, the parents of the victim were not notified of such a hearing.

In the administrative case, respondent did not bother to explain his failure to question the discrepancy.

In the administrative case against Judge Marcelo G. Garcia, the Supreme Court ruled that the respondent judge's intervention in brokering a compromise of the criminal cases against the accused Ledesma was improper, immoral, a show of ignorance of the law and was an act unbecoming of a judge. This actuation of the judge was known to the respondent prosecutor as he stated in his answer-explanation. It appears, therefore, that both the judge and the prosecutor conspired with each other to stifle and eventually dismiss the cases against accused Ledesma.

The above circumstances and admissions of the respondent clearly show that there was a serious misconduct, grave ignorance or indifference to the law on the part of the respondent. If one has to carefully read the 01 February 1989 resolution of then Undersecretary Tuquero, these same facts were not taken into consideration.

WHEREFORE, premises considered, respondent First Assistant Provincial Prosecutor Sesinio B. Belen is hereby DISMISSED from the service.

Done in the City of Manila, this 10th day of July, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 61
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON 3RD ASSISTANT
PROVINCIAL PROSECUTOR MANUEL M. MADDELA OF BULACAN

This refers to the administrative complaint filed by the Provincial Prosecutor of Bulacan against 3rd Assistant Provincial Prosecutor Manuel M. Maddela for neglect in the performance of duty.

The charge against respondent stemmed from the official communication of two municipal judges of Bulacan, namely, Hon. Romeo A. Quilantang and Hon. Philbert I. Iturralde, stating that respondent was absent in no less than 13 instances from his court duty at the Municipal Trial Court of Obando, and for 6 settings from his court duty at the Municipal Trial Court of Doña Remedios Trinidad which eventually led to the dismissal of a criminal case.

Since respondent did not elect a formal investigation of the complaint, the same was resolved based on the complaint filed and answer/comment submitted, including the evidence presented.

Respondent admitted having incurred said absences. However, he advanced various reasons therefor, such as failure to receive court notices for the scheduled trial dates, conflict of schedules, death threats on his life, flooded and damaged roads, sickness, and attendance to other personal activities.

The Secretary of Justice found respondent guilty of gross neglect of duty and recommended that he be dismissed from the service. The explanation given by the Secretary pertinently reads:

“No less than two Municipal Trial Court Judges certify that respondent was remiss in his duties as prosecutor. Precisely, it was the judges who brought to the attention of the Provincial Prosecutor, the frequent absences of the respondent.

“
X X X

“Records also show that this is not the first time the Provincial Prosecutor filed an administrative complaint against the herein respondent. In fact, Prosecutor Liberato Reyes lodged, on June 8, 1990, an administrative complaint against Prosecutor Maddela, charging him with various offenses ranging from habitual absences, failure to attend preliminary investigation, delay in disposition of cases, engaging in non-prosecutorial jobs, insubordination, dismissing cases filed in court without the knowledge of the provincial prosecutor, and non-payment of just debts. Only the timely withdrawal of the complaint by the provincial prosecutor saved the respondent from being penalized. However, such actuations on the part of the respondent prosecutor do not speak well of his attitude towards his job, as well as his position as a government official.”

At the outset, it must be stressed that the findings of the Secretary of Justice is only recommendatory in nature (*Cuyegkeng vs. Cruz*, 108 Phil. 1147), since the President has the administrative disciplinary authority over respondent, who is a presidential appointee.

This brings to the fore the core issue of whether respondent should be held administratively liable for gross neglect of duty.

I concur with the findings of the Secretary of Justice.

The frequent absences of respondent constitute serious neglect of duty and conduct prejudicial to the best interest of the service. Such conduct is not only deplorable, it is likewise condemnable for it violates the norm of public accountability.

WHEREFORE, premises considered, respondent 3rd Assistant Provincial Prosecutor Manuel M. Maddela of Bulacan is hereby dismissed from the service effective immediately.

Done in the City of Manila, this 10th day of July, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 62
IMPOSING THE PENALTY OF SUSPENSION OF THREE (3) MONTHS FROM THE SERVICE
AGAINST RODOR S. GAYAO, PROVINCIAL PROSECUTOR OF ABRA.

This refers to the administrative complaint filed by Apolonia vda. de Carino against Provincial Prosecutor Rodor S. Gayao of Bangued, Abra for grave abuse of discretion tantamount to neglect of duty.

Records disclose that a murder case was filed by the complainant with the Provincial Prosecution Office of Bangued, Abra on account of the killing of her husband last November 11, 1990, in Gaddani, Tayum, Abra. After preliminary investigation respondent Gayao filed on February 4, 1991, the following cases: (1) Criminal Case No. 996 for murder against Alejandro Alagao and Agibis Tugcay, (2) Crim. Case No. 1027, PP vs. Felix Dimaandal and Junie Bides for Murder, (3) Crim. Case No. 1028, PP vs. Felix Dimaandal for Illegal Possession of Firearms and (4) Crim. Case No. 653, PP vs. Fernando Tadeo, et al. for Multiple Murder with Attempted Murder.

On February 20, 1991, the accused filed a motion for admission to and reduction of bail. Respondent Gayao offered no opposition to the motion and summarily wrote "No objection". On the basis of which the court, on the same day and without notice and hearing, granted the motion and the bail was reduced to only ₱20,000.00. Consequently, the court ordered the release of the accused upon posting of bail. The complainant, however, filed an appeal with the court and prosecutor's office alleging that the granting and reduction of bail without notice and hearing is null and void. During the hearing on the motion of 17 April 1991, the court ordered Gayao to submit his comment within the period, prompting the court to issue an order on May 6, 1991, sustaining its earlier approval of the motion of the accused but increased the amount of bail from ₱20,000.00 to ₱50,000.00. On May 21, 1991, the complainant filed a motion for reconsideration. This time, respondent Gayao reverted to his former position that no bail should be granted, and if there is any grant of bail a preliminary hearing should be conducted as mandated under Rule 114 of the Rules of Court. Complainant also claimed that respondent Gayao did not file a complaint for illegal possession of firearm against the accused even after the lapse of three (3) months since Criminal Case No. 996 was filed, although the gun had already been surrendered. This saved the accused from posting bail of ₱200,000.00 each. Complainant also points out that in a later case (Criminal Case No. 1027, PP vs. Felix Dimaandal and Junie Bides), respondent Gayao simultaneously filed with the criminal action a complaint for Illegal Possession of Firearms against the accused although the firearm has not yet been recovered.

Complainant further alleges that in an earlier case, Crim. Case No. 653, PP vs. Fernando Tadeo, et al. for Multiple Murder and Attempted Murder, respondent Gayao gravely abused his discretion. In this case, Gayao recommend "No Bail". On August 22, 1980, the accused Tadeo filed a motion to dismiss but Gayao opposed the motion alleging that there were four eyewitnesses who positively identified the accused. On August 24, 1988, Gayao filed an amended complaint to include three (3) more accused. A new motion to dismiss was again filed by Tadeo, this time Gayao surprisingly manifested his conformity. On the basis of which the court issued an order dated October 14, 1988,

dismissing the case and ordering Tadeo's release. Complainant points out that Gayao wrote the word. "Conformity" on the order of the court to confirm his earlier manifestation.

Asked to comment, respondent Gayao alleges that when accused Alejandro Alagao and Agibis Tugcay in Crim. Case No. 996 were arrested, they immediately filed with his office a motion for admission to a reduction of bail. That after he noted "No Objection" to the motion, the case was immediately brought to Hon. Benjamin Bongolan, Executive Judge, who inscribed thereon the word "Granted". Consequently, Judge Bongolan ordered the release of the accused upon posting a bond of ₱20,000.00 each. He avers that he did not object to the motion because the question of granting bail is a matter of judicial discretion, citing the Mogul doctrine (G.R. No. 53373, June 30, 1987) that once a complaint or information is filed in court any disposition of the case rests in the sound discretion of the court. He stated that the court failed to calendar the motion for admission to bail, thus prompting the complainant to file an appeal with the Provincial Prosecutor and the court, alleging the nullity of the granting of bail. According to him, the court resolved the issue by increasing the bail to ₱50,000.00 again without a hearing for which complainant filed a motion for reconsideration. On June 16, 1991, the court ordered, among others, that respondent is not in full accord with the arguments of the movant, thus reverting to his original stand that the evidence of guilt is strong and, therefore, the accused should not be granted bail.

As to the charge that he failed to file the complaint for illegal possession of firearm against the accused simultaneously with the criminal action, he explains that it was only on April 19, 1991 or three (3) months later that the corresponding complaint for illegal possession of firearm was filed. Thus, the investigation, resolution and filing of information for murder were made ahead of the illegal possession of firearm. He states that in the Dimaandal Case (Crim. Case No. 1027 and 1028) the action for illegal possession of firearm was filed together with the criminal action on the basis of the certification of Mayor Reynaldo Sarte, Chief of Investigation, dated April 19, 1991 that the accused in not a licensee of any firearm. As regards the dropping of Fernando Tadeo from the criminal complaint, respondent avers that the same is the subject of a petition for review, and he would refrain from commenting thereon. Also, the case is still pending in court.

The then Acting Secretary of Justice found the respondent liable for serious irregularity, lacking in zeal and dedication to his work and reckless in the exercise of discretion and recommended that the respondent be suspended for three (3) months. The pertinent portion of the explanation of the Secretary reads:

"By filing on June 16, 1991, a separate complaint for Illegal Possession of Firearms (CC No. 1041) against the accused charged with Murder in Criminal Case No. 996, and a similar complaint (CC No. 1028) against Felix Dimaandal charged with Multiple Murder and Attempted Murder in Crim. Case No. 1027, respondent can be faulted for serious irregularity in the performance of duties.

"Section 1 of PD 1866 provides that "if homicide or murder is committed with the use of an unlicensed firearm, the penalty of death shall be imposed". The use of an unlicensed firearm for killing is a qualifying circumstance or an essential ingredient of the offense of qualified possession of firearm, the presence of which requires the imposition of the mandatory death penalty (now life imprisonment) (Lazaro vs. People, 112 SCRA p. 438) It is not a separate felony.

"In accordance with the aforestated law, respondent, upon receipt of the report of the PNP Abra Command, should have amended the information in

Criminal Case No. 996 alleging such fact, and not file a separate complaint for illegal possession of firearms against the accused.

“Respondent received the report of the PNP Abra Command on April 19, 1991, yet he acted on the report only on June 18, 1991, or a delay of two months. We find this reflective of his lack of zeal and dedication in the discharge of his duties and responsibilities.

“In Criminal Case No. 996, the accused are charged with murder qualified with the use of unlicensed firearm. Under the law, the imposable penalty for such crime is death which is now life imprisonment and, therefore, non-bailable, yet respondent in no justifiable circumstances did not object to the motion of the accused for admission to and reduction of bail. Respondent ignored the mandatory requirements laid down under Section 5, Rule 114, of the Rules of Court. Said Rule provides that at the hearing of an application for admission to bail filed by any person who is in custody for the commission of an offense punishable by reclusion perpetua or death, the prosecution has the burden of showing that the evidence of guilt is strong. From the wordings of this provision, and as established by jurisprudence, the requirement of notice and hearing on the application for bail is mandatory. In accordance with this rule, respondent was duty bound to oppose the motion, considering that the accused are charged with a capital offense. There is nothing in the records that would justify respondent’s reversal of his original recommendation that no bail should be granted. Had he opposed the motion, as was his duty, the Court would have conducted a hearing as mandated under the aforesaid rule. This he failed to do, however, prompting the Court, in the exercise of its judicial discretion, not only to dispense with the hearing, but to grant the motion as well. In its order dated May 6, 1991, the Court stated that the hearing was considered unnecessary in view of respondent’s notation of “No Objection” to the motion.

“In his comment, respondent explains that he noted “No Objection” to the motion because ultimately the issue rested on judicial discretion. Apparently, not only did respondent ignore the mandatory requirement under Rule 114, but also deliberately disregarded the fact that judicial discretion can be abused as it can be influenced by arguments and manifestation of counsel in their assiduous pursuance of what is just and proper for their clients. By committing a grave error, respondent not only caused damage to the service, but prejudiced the complainant, whose interest he was sworn to protect, since the granting of bail to the accused without notice and hearing has deprived her of her constitutional right to due process. (*Rodil vs. Garcia, et al.*, 191 Phil. 671, May 31, 1981).

“In Criminal Case No. 653, the accused are charged with Multiple Murder and Attempted Murder qualified with the use of an unlicensed firearm punishable by death. With no basis in law, respondent conformed to the motion for dismissal filed by the accused Fernando Tadeo. Records show that he even wrote the word “Conformity” on the order of the Court, dated October 11, 1998. In his comment, respondent did not offer any explanation or justification of his conformity to the dropping of Tadeo from the criminal complaint. Based on the records, and in the absence of any explanation or justification from him, we find respondent’s act highly questionable and irregular. Nothing in the records show that respondent

conducted a reinvestigation and found that the evidence against the accused was insufficient as to warrant the dismissal of the complaint against him”.

I concur.

The respondent prosecutor apparently erred in filing an information of illegal possession of firearm separate from murder. Such act is seriously irregular for a prosecutor is duty bound to determine the proper or appropriate charge/charges to be filed against the accused. This manifests his lack of seriousness and dedication in the performance of his duties. On the other hand, the respondent prosecutor in noting “No Objection” to the motion to bail has really ignored the mandatory requirements under Rule 114 of the Rules of Court. He failed to protect the interest of the state and the complainant by disregarding the fact that judicial discretion may be abused. This has actually deprived the complainant of her right to due process. Furthermore, his act in conforming to the motion to dismiss filed by the accused Fernando Tadeo in Criminal Case No. 653 is indeed highly questionable and irregular. These things should not be countenanced.

WHEREFORE, premises considered, respondent Provincial Prosecutor Rodor S. Gayao of Abra is hereby found liable for serious irregularity and abuse of discretion and deserves the penalty of three (3) months suspension from the service.

Done in the City of Manila, this 10th day of July, in the year of Our Lord, nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 63
IMPOSING THE PENALTY OF SUSPENSION FOR ONE YEAR WITHOUT PAY ON 2ND
ASSISTANT PROVINCIAL PROSECUTOR RODOLFO S. YANSON OF MAGUINDANAO

This refers to Administrative Case No. 91-0069 which the DOJ filed motu proprio against 2nd Assistant Provincial Prosecutor Rodolfo S. Yanson of Maguindanao (formerly connected with the City Prosecution office of Cotabato City) for graft and corruption.

The case stemmed from the Investigation Report dated November 26, 1990 of the NBI which found that respondent-prosecutor 1) misappropriated for his own personal use and benefit the amount of ₱2,000.00 representing the cash bail bond posted by Floresto Balofinos, a respondent in Criminal Case No. 391 for violation of Batas Pambansa Bilang 22 of which Yanson was the public prosecutor; 2) received various amounts on different dates from Balofinos allegedly as partial settlement of the case, which amounts were also misappropriated by Yanson; 3) misappropriated the evidence money of ₱47,070.00 in I.S. No. 89-10-32 (People vs. Elpedio Carmelotes, et al.) for violation of PD 1602; and 4) had not turned-over the amount of ₱40,000.00, a part of the loot in the robbery-holdup case of the AMANAH BANK in Cotabato City, to the City Prosecutor's Office when he transferred to the Office of the Provincial Prosecutor of Maguindanao.

On June 26, 1991, the Chief of the Legal and Evaluation Division of the NBI recommended that respondent-prosecutor be charged for 1) Estafa thru False Pretense; 2) Theft; and 3) Violation of paragraph 9, Sec. 3 of R. A. 3019, as amended.

On August 29, 1991, the entire records of OMB-ADM-3-91-0344 entitled Siao Ching Ho versus Maminting Malli and Rodolfo Yanson was referred to the DOJ for administrative adjudication.

Pursuant to DOJ Department Order No. 315, a formal investigation of the administrative case was conducted.

In traversing the accusation, respondent-prosecutor categorically denied having received the cash bail bond in the amount of ₱2,000.00 for the reason that the same was directly filed with the Clerk of Court. He claims that if at all he received the total amount of ₱21,000.00 from Balofinos as partial settlement of the case, it was upon authority of complaining witness Siao Ching Ho and with the imprimatur of City Prosecutor Ortillano Tan. The said amount was returned on March 29, 1990. He further claims that the evidence money in I.S. No. 89-10-32 in the amount of ₱47,070.00 was returned on June 30, 1990.

The Secretary of Justice found respondent-prosecutor liable for gross misconduct in office and recommended that the penalty of suspension for one (1) year be imposed. The DOJ Secretary's recommendation is anchored on his findings which reads:

“What we find questionable however are the acts of Yanson:

1) in personally seeing to the settlement of the case, this, despite the imprimatur of the Provincial Prosecutor, since Balofinos and Ho were being

represented by their counsel who should have been the ones to negotiate the amicable settlement of the civil liability of respondent. It does not even appear on record that Adil, counsel of Balofinos, had initiated any overtures in settling the case;

2) in not immediately turning over the various amounts representing partial payments of the amount due Ho which definitely constitutes grave misconduct on his part as any conscientious person would have seen to it that Ho duly received the payments so that no doubts can be entertained by anybody that the amount(s) has (have) been misappropriated. We, therefore, cannot absolve Yanson's conduct despite the fact that the total amount had been returned to Balofinos through Mrs. Adil;

3) in not immediately returning the records of the case to the Branch Clerk of Court which only shows his personal interest in the same despite his denials."

I concur with the findings of the Secretary of Justice.

WHEREFORE, premises considered, respondent 2nd Assistant Provincial Prosecutor Rodolfo S. Yanson is found liable for grave misconduct in office. Accordingly, the penalty of suspension for one (1) year without pay is hereby imposed.

Done in the City of Manila, this 10th day of July, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 64
SUSPENDING FOURTH ASSISTANT PROVINCIAL PROSECUTOR PATERNO S. SOYANGCO
OF RIZAL FROM OFFICE

This pertains to the administrative complaint filed by Rodolfo Tagle against Fourth Assistant Provincial Prosecutor Paterno S. Soyangco of the Provincial Prosecution Office of Rizal, for Ignorance of the Law, Blatant Disregard of the Law on Preliminary Investigation, and Conduct Unbecoming of a Public Officer.

The antecedent facts are stated in the letter of the Secretary of Justice to the President, dated January 16, 1993, to wit:

“It appears that on August 17, 1990, complainant Rodolfo Tagle filed a criminal case for robbery against Pedro dela Rosa and Andres dela Rosa docketed as I.S. No. 90-6386. The case was assigned to respondent prosecutor for preliminary investigation, after which he issued a resolution, dated May 23, 1991, recommending the dismissal of the case.

“Complainant now claims that:

1. Despite the strong evidence, consisting of the admissions of the respondents, of Pfc. Antonio de Lumen and of some barangay officials that they destroyed the door and window of the store, without a court order, nonetheless, respondent prosecutor recommended the dismissal of the case.

2. The complaint was filed on August 17, 1990 and submitted for resolution on November 5, 1990. However, respondent prosecutor resolved the case only on May 23, 1991 or almost eight (8) months from its inception and more than six (6) months from the date it was submitted for resolution.

3. Everytime complainant would follow up the case, respondent prosecutor would tell them to settle the case for half the price of the things lost, at the same time, boasting that he is ‘Fiscal Areglo’; that while he talked, he would reek of liquor; that respondent prosecutor would drink liquor with respondents in Taytay and that he could no longer identify complainant, who has been waiting for him for hours in his office, because he would then already be drunk.

“In his answer, respondent prosecutor alleges that his resolution recommending the dismissal of the case was based on the evidence on record, thoroughly reviewed by the reviewing prosecutor and ultimately approved by the Provincial Prosecutor. Thus, said resolution is an office resolution and not his resolution alone.

“As regards the apparent delay in the resolution of the case, respondent prosecutor explains that the complaint for robbery is rather complicated, such that several settings were scheduled for clarificatory questioning, and that he gave the parties ample time to settle the case amicably. He claims that the delay in the disposition of the case is unavoidable, because he has to travel from his residence in Navotas to his court assignments in Pateros and Taytay in the morning. From Pateros and Taytay, he would travel back to his office in Capitolyo, Pasig to attend to preliminary investigations and inquests, which consume a good deal of his working time, thereby affecting his health and diminishing his efficiency.”

The DOJ, in the aforesaid letter, observed and ruled in this wise:

“While there is no sufficient basis to hold respondent prosecutor administratively liable for the dismissal of I.S. No. 90-6386 for robbery, we find the delay in the resolution of the case as violative of the rules on preliminary investigation.

“Ministry of Justice Circular No. 1 dated January 7, 1985, provides that preliminary investigations shall be terminated within sixty (60) days from the date of filing of the complaint. It may be extended by the head of office concerned for valid and meritorious reasons but in no case to exceed thirty (30) days. Record shows that the complaint was filed on August 17, 1990. Respondent prosecutor resolved the case only on May 23, 1991, or eight (8) months from the filing of the complaint. He should have acted on the said case within a reasonable period of time with the end in view of giving speedy justice consistent with due process.

“Further, respondent prosecutor failed to refute complainant’s allegation that he boasted being a ‘Fiscal Areglo’. Likewise, there is no refutation of complainant’s allegation that he was drinking liquor with respondents (in the criminal complaint) and that he would always reek of liquor whenever he would report to his office in Pasig. These to our mind, constitute acts unbecoming of a public officer. A public officer should hold himself up in high esteem and with utmost dignity. A prosecutor should be circumspect in his behavior and the words he utters for, to his community, he stands as a symbol of the law. His behavior in everyday life should always be beyond reproach (Martin, Legal and Judicial Ethics, 4th Edition, p. 277).

“WHEREFORE, finding respondent prosecutor to be administratively liable for violating reasonable office rules and regulations and for disgraceful conduct, it is hereby recommended that he be meted the penalty of suspension for a period of three (3) months without pay.”

After going over the records of the case, I agree with the findings of the Secretary of Justice. Indeed, respondent’s delay in the resolution of I.S. No. 90-6386 was unjustified and, hence, constitutes a violation of the rules and regulations on the conduct of preliminary investigation. Considering his lofty position, respondent should have been more circumspect in the discharge of his duties, since his primordial task is the promotion of a fair and speedy disposition of cases. Furthermore, respondent’s taking of alcoholic drinks during office hours, which not only impairs his judgment but also tarnishes his image and reputation as prosecutor, tends to erode the people’s confidence in the fair and impartial

dispensation of justice. By his actuations, therefore, respondent had shown a clear departure from the strict norms of conduct laid down for members of the prosecution service.

WHEREFORE, and as recommended by the Secretary of Justice, Fourth Assistant Provincial Prosecutor Paterno S. Soyangco of Rizal is hereby **SUSPENDED** from Office for three (3) months without pay, effective upon receipt hereof.

Done in the City of Manila, this day 10th of July, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **TEOFISTO T. GUINGONA, JR.**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). [*Administrative Order Nos.: 1 - 100*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 65
DISMISSING FROM THE SERVICE SECOND ASSISTANT CITY PROSECUTOR CLOTILDE T.
DAFFON, OFFICE OF THE CITY PROSECUTOR, TACLOBAN CITY

This refers to the administrative complaint against Second Assistant City Prosecutor Clotilde T. Daffon, Office of the City Prosecutor, Tacloban City, for Harassment, Dishonesty, Using Her Office For Illegal Acts, Grave Misconduct and Violation of Anti-Graft and Corrupt Practices Act, as amended, and Illegal Practice of the law profession.

The basic facts, as found by the Department of Justice (DOJ) in its letter-memorandum of March 16, 1993, are as follows:

“The record discloses that the complainant spouses are manager/operators of a passenger jeepney bearing plate no. DHS-203 which is owned by Dr. Lydia Jayobo and plies the route between the city proper of Tacloban City and Phase 2-B & G Subdivision, Tacloban City. They allege that sometime in May, 1992 the driver of DHS-203, Ruel Abdon, was ousted from the Operators & Drivers Association (OPERDA) and the Tacloban Professional Drivers Association (TACPRODA) of aforementioned route. As a result DHS-203 was also barred from joining the queue or ‘pila’ of passenger jeepneys at the respective terminals. Ruel Abdon sought the help of Prosecutor Daffon telling the spouses that if the association had strong backing from her, he was even in a better position because everyday he fetches her from her house and brings her to her office and back without fare and that he had served her well. The spouses allege that they along with Ruel Abdon and association officials were thereafter summoned to the house of respondent prosecutor. With her help, Ruel Abdon was reinstated as association member and DHS-203 was allowed to rejoin the pila, however, the spouses claim that this was after they had paid the amount of ₱2,500.00 demanded by her. Payment of the amount was allegedly coursed through Ruel Abdon who signed a receipt on behalf of Prosecutor Daffon which is submitted as evidence in the case. Thereafter, Prosecutor Daffon walked with them and association officials to the B & G terminal and herself announced to association members that henceforth DHS-203 will be allowed to rejoin the pila but that only Ruel Abdon and no other would drive it. Thereupon, Federico Lumiarez who was at the driver’s seat of DHS-203 disembarked and Brgy. Captain Salvador Lumiarez who is also an association member exhorted everyone to respect Prosecutor’s decision or else they will all be summoned to City Hall. The couple alleges that thereafter Prosecutor Daffon continued using DHS-203 in going to and from the City Prosecutor’s office without fare. At times she allegedly would use the jeepney for personal trips and on these occasions their driver Ruel Abdon would be unable to turn over

the boundary because Prosecutor Daffon used the vehicle for free. The couple claim that sometimes their vehicle would disappear for hours at both terminals and that they would see it parked in front of Prosecutor Daffon's house. In view thereof they decided to rotate Ruel Abdon with another driver Federico Lumiares. However, the prosecutor later insisted for Ruel Abdon to permanently drive the vehicle after Danilo Elgera sought her help in the collection of an amount of money from a school teacher, who was subpoenaed by the respondent prosecutor. Thereafter, they tolerated Prosecutor Daffon's interference with respect to DHS-203 until the incident in June, 1992 wherein Ruel Abdon refused the front seat of DHS-203 to complainant Danilo Elgera and his five year old son upon the ground that it was reserved for Prosecutor Daffon. Complainant was thus forced to ride in the cramped passenger compartment. Because of this incident, they decided to replace Ruel Abdon with Alding Ojeda who was instructed not to fetch Prosecutor Daffon from her house anymore and to tell her to just go to the terminal like the other passengers if she likes to ride on board DHS-203. The following day, July 25, 1992, Antonio Verian, terminal dispatcher, informed the complainant-spouses that DHS-203 will no longer be allowed to join the 'pila' effective July 27, 1992 unless they would ask the forgiveness of Prosecutor Daffon.

"The spouses also allege that on July 24, 1991, when DHS-203 was still owned by them but using the franchise of one Romeo Villeza, they learned that their vehicle would be seized by the Constabulary Patrol Group (CHPG). They then drove to the CHPG headquarters in Tacloban and inquired about the information. They were asked to follow a CHPG car which led them to the office of Prosecutor Daffon at the City Prosecutor's Office. Prosecutor Daffon ordered the spouses to produce documents on DHS-203 and xeroxed copied them.

"The foregoing allegations of the complainant are supported by the affidavit of Elmer Diaz, Esteban Cortavista, Federico Lumiares, Eduardo Seno Ojeda and Edgar Galangue.

"Also submitted was the affidavit of Reynaldo H. Pagatpat, driver, attesting that when his driver's license was confiscated for a traffic violation, he had approached Prosecutor Daffon upon the advice of fellow drivers. She managed to settle the problem with the authorities but thereafter she demanded to use the jeepney for free.

"Also submitted was the affidavit of Lourdes M. Calleja alleging that she sought the help of Prosecutor Daffon in the collection of a debt from Nenita Sultan. Prosecutor Daffon allegedly subpoenaed debtor Sultan and received payments from her but subsequently refused or failed to turn over her collection to creditor Calleja.

"In her defense, respondent Clotilde Daffon avers that she is not in any way connected with the TACPRODA-OPERDA, being merely a regular passenger paying on a monthly basis who is sometimes consulted for legal advice as is the usual practice when lawyers are passengers of some drivers. She stated that she did not order or cause the removal of DHS-203 from the 'pila' and that the reason why it was not allowed at the respective terminals of the B & G Subdivision-Tacloban City route was the fact that complainants are not members of the operators and drivers association. She denies demanding or receiving any money

from the association or its officers or any driver plying said route. Submitted by respondent prosecutor are the affidavits of Ruel Abdon, and the joint affidavits of Francisco Bicol, Francisco Felix Colandog and Antonio Verian.

“On the basis of the foregoing, Regional State Prosecutor Francisco Q. Aurelio, Jr., who was tasked to investigate the administrative complaint found substantial evidence to support a finding of respondent’s guilt and recommended that the Department endorse to the Office of the President her removal from the service. Salient excerpts from his resolution is hereinbelow quoted for your ready reference:

‘The undersigned observes that the particular episodes (complained of) are not specifically denied by Prosecutor Clotilde T. Daffon in both her comment of October 19, 1992 and counter-affidavit of November 25, 1992. She instead alleges in a general way that if these incidents did happen, they were not of her own making as she wasn’t then around and could not have possibly caused them to occur she not being connected in any way with OPERDA and TACPRODA.

However, this investigation has concluded that Prosecutor Daffon undoubtedly committed excesses by using her official position to exploit the ignorance and colonial mentality of the association members so much so that the association’s decision to expel Ruel Abdon and substitute him with Federico Lumiare amounted to nothing in the face of Prosecutor Daffon’s order for Abdon’s return to the pila. Even the barangay captain (Salvador Lumiare) appears to have been cowed into submission in exhorting the association to obey the prosecutor because they all might ‘be summoned to City Hall’, supra, when it should have been his duty to politely exclude Prosecutor Daffon and take charge of the situation being a private affair among association members and a problem that might be settled at barangay level. This is undue influence at its worst.

In the case of spouses-complainants, Prosecutor Daffon deprived them of their ownership, management and disposition of DHS-203 by dictating on them who was to drive the vehicle and using it as if it were her own private vehicle in going to, and from her office, at the City Hall. At such times, no earning would be reported to the complainants because the vehicle would be unable to pick-up passengers and generate income.

In addition, Prosecutor Daffon mulcted them of ₱2,500.00 so they could rejoin the association and the pilas as if to say that the money was to be Prosecutor Daffon’s fee for bringing the parties together again, and even used the CHPG in order to effectively harass them.

x x x Prosecutor Daffon admits being a regular passenger of OPERDA & TACPRODA unit and would be asked by association members for legal advice. x x x The only trouble is that she gave it, instead of politely declining on the ground that she is a prosecutor dealing only with criminal complaints and prosecuting criminal cases. The familiarity, that soon developed enabled

her to control and interfere with association business and the lives of spouses-complainant, as well.’”

In the same letter-memorandum, the DOJ Secretary made the following evaluation and recommendation:

“We find the foregoing findings of RSP Aurelio to be fully borne out by the record of the case. There is substantial evidence that respondent committed the abuses complained of which her counter-evidence has not overcome. We are unconvinced by her denial which ring hollow and lacking in conviction, more so as she failed to impute wrongful motives on the part of the complainant-spouses for making the accusations against her. To say the least respondent has used the powers and influence of her office for oppression and corrupt activities. Used to grovelling, she resented it when complainant-spouses belatedly decided to assert their rights over the passenger jeepney DHS-203 by replacing Ruel Abdon with a driver of their own choice and by refusing to accord to Prosecutor Daffon special privilege not enjoyed by other passengers such as being fetched from her own house. The prosecutor retaliated by ordering the association to unjustly curtail the complainant’s rights to terminal privileges. These and the other abuses committed by her leaves no doubt that she is lacking in the degree of morality required for public service. We believe that her continuance as assistant prosecutor will contribute to the impairment of public confidence in the National Prosecution Service and that therefore she does not deserve to remain therein. We therefore recommend that the ultimate administrative sanction of dismissal be meted to respondent Daffon.”

After circumspect study, I am in complete accord with the above findings and recommendation of the Secretary of Justice. The evidence unerringly suggests that respondent had wittingly abused the power and influence of her Office to harass and oppress complainants. Such being the case, her continuance in Office will surely tarnish the good name and reputation of the prosecution service, to say nothing of the fact that it will imperil the dispensation of fair and impartial justice. Needless to stress, her actuation are not worthy of emulation by her peers, as a public office is a position of trust and public service demands of every government officer or employee, no matter how lowly his position may be, the highest degree of responsibility and integrity.

WHEREFORE, and as recommended by the Secretary of Justice, respondent Second Assistant City Prosecutor Clotilde T. Daffon of Tacloban City is hereby **DISMISSED** from the service, effective upon receipt of a copy hereof.

Done in the City of Manila, Philippines, this day of 10th July, in the year of Our lord nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 66
IMPOSING THE PENALTY OF SUSPENSION OF ONE MONTH FROM THE SERVICE ON
THIRD ASSISTANT CITY PROSECUTOR NICOLAS SELLON OF THE OFFICE OF THE CITY
PROSECUTOR OF CEBU CITY

This refers to the complaint of Atty. Noel D. Archival against 3rd Assistant City Prosecutor Nicolas Sellon of Cebu City for delay in resolving a case.

It appears from the records that Prosecutor Sellon received on May 9, 1990 the case of Rogelio Narra, Sr., et al. vs. Jaime Gabunada, et al. in I.S. Nos. 89-02429 and 2430 for reinvestigation of double frustrated murder and multiple murder. The cases were initially investigated by Prosecutor Valentin Suan but the City Prosecutor assigned them to Prosecutor Sellon for reinvestigation upon motion of one of the parties. Prosecutor Sellon set the formal investigation of the cases on June 6, 1990, where after the hearing, he formally terminated the investigation (t.s.n. p. 12, Sept. 12, 1991). The respondent prosecutor issued his resolution on the cases on May 20, 1991 modifying the original resolution of Prosecutor Suan by having Gabunada dropped from the complaint. Hence, the complaint for undue delay.

Respondent Prosecutor Sellon denies liability for the delay. He claims that after he had terminated the investigation of the cases on June 6, 1990, Atty. Carlos Cardenas, one of the counsel for complainants in the above case, requested him to suspend the investigation and defer the resolution of the same until he can strengthen his case against Jaime Gabunada. It appears that the witness of Atty. Cardenas failed to identify Gabunada during the preliminary investigation. Prosecutor Sellon acceded to the request and that it was only sometime in April 1991 that Atty. Cardenas gave up hope of propping up his evidence against Jaime Gabunada and asked Prosecutor Sellon to resolve the case.

Atty. Archival, herein complainant, who represents one of the aggrieved parties in the aforesaid cases and who found that Prosecutor Sellon has not resolved the same as of May 19, 1991, apparently changed his heart. In a Manifestation submitted to the Department of Justice, dated December 12, 1991, he contended that he was merely emotional and that he learned from his uncle, Atty. Cardenas, that the delay was really beneficial to their interests. He now seeks to absolve Prosecutor Sellon stating that the latter indeed merely acceded to the request of Atty. Cardenas.

The issue is whether or not the liability of Prosecutor Sellon is erased due to the Manifestation of complainant which seeks for his absolution.

A close scrutiny of the records indisputably shows the prosecutor's gross neglect to resolve the case within the period prescribed under existing rules of the Department of Justice. He cannot evade this responsibility by claiming that that was the request of Atty. Cardenas, even if true. The prosecutor controls the proceedings and resolution of the case, and these cannot be made to depend on the whims or wishes of the parties-litigants. If he wants to grant the request for deferment of proceedings, he should have at least come up with the additional evidence and resolve it within the reglementary period based on the evidence adduced. To have allowed the parties to set their own sweet time for the resolution of the case shows utter lack of sensitivity to the Department policy on the

speedy resolution of cases, which has been repeatedly articulated in many public pronouncements of the Secretary of Justice. Moreover, the matter of the conduct of preliminary investigation and its termination are no longer purely private concern. Being an initial step in the criminal justice process, it has transcended into a question of public interest beyond the private parties' sole control. The complainant's subsequent, nay regrettably, belated change of heart and earnest desire to exculpate the prosecutor after vigorously protesting his actuations in delaying the case, all the more should alert us on the culpability of the respondent prosecutor, and with more reason that we seek the imposition of sanctions against him. Complainant's wavering hand can no longer halt the inevitable outcome of his own doing which has taken its energy deriving its power from the unalterable fact that there was a clear breach of Department policy which cannot be abated by his desistance or remorse. Public policy and interest demand so. Prosecutor Sellon has no one to blame but his own cavalier attitude towards established Department policy.

WHEREFORE, premises considered, respondent Third Assistant City Prosecutor Nicolas Sellon is hereby found guilty of undue delay amounting to Neglect of Duty for which he deserves the penalty of one (1) month suspension from the service.

Done in the City of Manila, this 10th day of July, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 67

IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) MONTH WITHOUT PAY ON 2ND ASSISTANT PROVINCIAL PROSECUTOR ARMANDO V. CORTES OF DIGOS, DAVAO DEL SUR

This refers to the administrative complaint filed by Ponciano Layug against 2nd Assistant Provincial Prosecutor Armando V. Cortes of Digos, Davao del Sur.

The complaint stemmed from a perjury case (TBP No. 86-02241) filed by the complainant, Ponciano Layug, before the Tanodbayan on September 29, 1986.

Initially, the preliminary investigation of the aforesaid cases was handled by Prosecutor Joel Hipe but was later re-assigned to Prosecutor Romeo Albarracin. After the parties submitted their memorandum the case was re-assigned to respondent-prosecutor.

Complainant alleged that: a) respondent-prosecutor dismissed his complaint for perjury (TBP No. 86-02241) without the benefit of a proper investigation and pursued the case for estafa thru falsification (TBP No. 86-01001) against him; b) it took respondent-prosecutor one (1) year to resolve the perjury case and two (2) years to dispose of the estafa thru falsification case; and c) TBP No. 87-03017 which was filed in November, 1987 is still pending with the respondent-prosecutor.

In answer to the charges, respondent-prosecutor claims that when the perjury case was assigned to him, the records were already complete, and believing that no other matter required clarification, he evaluated the same and eventually resolved the case. He admits the delay in the resolution of the cases but attributes it to the fact that he is not only an investigating fiscal but also a trial fiscal. He alleges that TBP No. 87-03017 had already been resolved on June 14, 1989. He insists that the instant administrative complaint is spawned by ill-will and resentment, and instituted to harass him.

The recommendation of the Secretary of Justice in imposing the penalty of suspension for one (1) month on respondent-prosecutor is based on his findings which reads:

“We noted, however, of the unreasonable delay in the disposition of the cases filed by the complainant. Records reveal that the perjury case (TBP No. 86-02241) filed by complainant was re-assigned to the respondent-prosecutor on November 16, 1987, per order of the same date, and was resolved by him on June 15, 1988, a period covering seven months or a delay of three months beyond the reglementary period. Furthermore, in TBP Case No. 87-03017 for falsification of official/public documents, it appears that the case was filed before respondent-prosecutor in November 1987 but was only resolved on June 14, 1989, per certification dated April 16, 1990, submitted by the respondent-prosecutor. The delay incurred beyond the requisite period is approximately a year and three months. With regard to TBP Case No. 87-02474 filed before respondent-prosecutor, we are led to believe that a delay also occurred in its disposition.

I concur with the findings of the DOJ Secretary.

Respondent-prosecutor's explanation as to the delay in the resolution of the cases assigned to him is untenable.

WHEREFORE, premises considered, respondent 2nd Assistant Provincial Prosecutor Armando V. Cortes is found liable for Neglect of Duty. Accordingly, the penalty of suspension for one (1) month without pay is hereby imposed.

Done in the City of Manila, this 21st day of July, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 68
IMPOSING THE PENALTY OF SUSPENSION FOR TWO MONTHS WITHOUT PAY ON
ASSISTANT CITY PROSECUTOR BIENVENIDO N. MABANTO, JR. OF CEBU CITY

This refers to the administrative complaint filed by Cebu City Mayor Tomas R. Osmena as complainant against Assistant City Prosecutor Bievenido N. Mabanto, Jr. of Cebu City as respondent for Grave Misconduct.

Complainant alleged that respondent was the investigating prosecutor in I.S. No. 91-2406; that the case evolved from a raid on April 17, 1991, conducted by Policemen on Quenn Mini Theater for showing lewd and obscene pictures; that one half (1/2) roll of pornographic film was found inside the projection room thereat; the complaint was filed against Amonia Aragon, owner of the theater; that on May 13, 1991, respondent herein as investigating prosecutor dismissed the case on the ground that the confiscated pornographic film could not be shown/exhibited without the use of a reel; that respondent's resolution was contrary to the demonstration jointly attended by the members of the Cebu Anti-Indecency Board and respondent himself where the film could still be shown without reel; that respondent premised his resolution dated May 13, 1991 on the preview undertaken by the Cebu City Anti-Indecency Board on May 22, 1991; that it was unusual for respondent to know about the incident on May 22, 1991, while his resolution was dated May 13, 1991, unless "Amonia endowed him with something extremely valuable that made him see things before they take place"; that respondent, with determination to exonerate the accused at all cost, disregarded the testimonies of two (2) impartial witnesses; that in 1987, respondent likewise dismissed a case against Amonia Aragon, et al., despite the lawful seizure of several pornographic films from Queen Mini Theater; that it was quite unusual for the two (2) cases involving the same parties to be assigned to the same investigating prosecutor - respondent herein; that respondent deliberately did not notify the arresting officers of the reinvestigation conducted in the latter case nor has a copy of his resolution been furnished the latter.

Based on the foregoing, complainant prayed that respondent herein be investigated; thus, a formal investigation was readily conducted by State Prosecutor Alvin C. Go pursuant to Department Order No. 312, Series of 1991, of the Department of Justice.

Thereafter, the Secretary of Justice found the respondent guilty of Simple Misconduct and recommended his suspension from office.

We agree with the findings and recommendation of the Secretary of Justice.

Complainant's evidence shows that a team of policemen conducted a raid at Queen Mini Theater where one half (1/2) roll of pornographic film was confiscated. The owner of said theater, Amonia Aragon, was criminally charged and investigated by the respondent, but the latter dismissed the complaint despite the existence of prima facie case. Moreover, in a similar case in 1987 respondent was handling and investigating a case against Amonia Aragon likewise for showing pornographic films, he deliberately failed to furnish the policemen with a copy of his resolution while Amonia Aragon was promptly furnished thereof. The said case was also dismissed.

Respondent puts up the defense that the case against Amonia Aragon was accordingly resolved based on the evidence and the rule of law. It was Florentina Mamalias, the resolution-in-charge in their office, who was responsible for sending copies of resolutions to the parties. That he had no direct control and supervisory power over Florentina Mamalias. After he witnessed the actual demonstration of the pornographic film without a reel, he resolved to dismiss the case against Amonia Aragon because the film could not be properly exhibited without the use of a reel.

Upon clarificatory questioning, respondent testified that he witnessed the actual demonstration of the confiscated film found to be pornographic; that while the pornographic film was not contained in a reel, several reels were found inside the projection room of Queen Mini Theater that it was possible for that pornographic film to have been inserted in one of those reels.

The records reveal that respondent was handling two (2) similar cases involving the same parties. The said cases arose out of separate raids conducted by Police operatives in 1987 and 1991, where pornographic films were confiscated thereon. It was indeed quite unusual for respondent to have handled the two (2) cases involving the same parties only by accident. We cannot simply lose sight of the fact that respondent had a certain degree of influence in his own office. Most notably that in both cases against Amonia Aragon, the owner of Queen Mini Theater, the same were dismissed.

Respondent's claim that he remembered having handled a similar case in 1987 against Amonia Aragon only when he received the instant complaint is not only improbable, but unbelievable. It must be noted that the two (2) cases were of similar facts having the same parties, particularly the respondent therein Amonia Aragon. Obviously, respondent prosecutor knowingly handled and resolved the case for the benefit of said Amonia Aragon. Otherwise, respondent could have easily and immediately initiated for his inhibition from handling the later (1991) case which was proper under the premises.

After a careful review of the records, it appears more reasonable to believe the version of the complainant that in the 1987 case, respondent deliberately failed to furnish the police operatives of the resolution dismissing the case against Amonia Aragon, thereby depriving the former of their right to file an appeal by petition for review with the Department of Justice. Florentina Mamalias categorically admitted that being the resolution-in-charge she received the approved resolution of respondent also from the latter. She sent a copy of the resolution to Amonia Aragon through the process server, while the police operatives received their copy only when Arturo Hontiveros went to her office. Evidently, the copy received by Ms. Mamalias from respondent was intended only for Amonia Aragon. Furthermore, it must be noted that respondent and Mamalias gave two (2) conflicting versions. Respondent stated that after he renders a resolution, the same goes to the City Prosecutor for approval and no copy returns to him. However, Mamalias, claimed that she received the approved resolution from respondent. Indubitably, it can be shown that respondent had complete control over the disposition of his resolution.

Respondent's further claim that he has no supervisory or administrative control over Mamalias is untenable. Ms. Mamalias being a support staff is certainly subordinate to prosecutors. Accordingly, the administrative supervision over Ms. Mamalias is vested upon the prosecutors, especially in the handling of cases filed with the Prosecutor's Office.

It has been repeatedly stressed that "Public Office is a public trust. Public Officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives." (Article XI, Section 1, 1987 Philippine Constitution). And complainant's evidence have substantially established that respondent had committed a nefarious act prejudicial to public service.

WHEREFORE, finding substantial evidence to hold respondent Assistant City Prosecutor BIENVENIDO N. MABANTO, JR. of Cebu City administratively liable, a penalty of suspension from office for a period of TWO (2) MONTHS is hereby imposed upon him.

Done in the City of Manila, this 22nd day of July, in the year of Our Lord, nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 69

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF
WHATEVER BENEFITS THAT MAY HAVE ACCRUED IN HIS FAVOR DURING HIS TENURE
OF OFFICE ON 3RD ASSISTANT PROVINCIAL PROSECUTOR RUFINO A. QUITASOL,
PROVINCIAL PROSECUTION OFFICE, ALBAY.**

This refers to the administrative complaint filed against 3rd Assistant Provincial Prosecutor of Albay, Rufino A. Quitasol, detailed with the Office of the Provincial Prosecutor of Rizal, for Grave Misconduct and/or Conduct Unbecoming of a Public Officer, in connection with the death of Lex Talionis Fraternity Neophyte, Raul Camaligan, a student of San Beda College.

The formal charge was based on the resolution dated 20 January 1992 of the City Prosecutor of Quezon City in I.S. No. 91-2092, recommending the filing of the information for homicide against all the respondents therein which included herein respondent Quitasol.

Respondent waived the formal investigation and adopted the documentary evidence adduced in the preliminary investigation of I.S. No. 91-2092.

The record of the said criminal case shows that Aries Sayson, Angel Miranda, Jr., Jerry Jones Acuna and Raul Camaligan, all San Beda College Freshmen law students, were recruited to join the Lex Talionis law fraternity on the representation that hazing will not be one of the requisites for full-fledged membership. The final initiation rites were held on 8 September 1991 which also happened to be the first bar examination day for 1991. The neophytes were first made to serve in the “bar operations” at Legarda St., Manila, by way of running menial errands for their “masters”, one of whom was respondent Quitasol, who were supposedly extending moral support to some fraternity members who were taking the bar examinations. In the afternoon of the same day, said neophytes were brought to Barangay Cruz na Ligas in Quezon City where they were subjected to alleged “repeated merciless beatings by older fraternity members with the use of paddles, belts and pieces of wood” and “given fist blows and kicks on different parts of their bodies” which resulted in the death of neophyte Camaligan and physical injuries to the rest of the neophytes.

Respondent denies any participation in the 8 September 1991 initiation rites held in Bgy. Cruz na Ligas in Quezon City and claims that he went to Manuel L. Quezon University (MLQU) in the morning of said date to extend moral support to some examinees who were his students at the Aquinas University in Legazpi City and while there “chanced” upon his fraternity brothers who invited him to join them in an on-going “bar operations” at the nearby restaurant where he was introduced as “fiscal” to his other fraternity brothers and three neophytes that included Aries Sayson. After one and a half hours, he left the group and went to his parent’s house where he had lunch. At 4:00 p.m. he, together with his wife and children, attended the Sunday Mass at Mt. Carmel and, thereafter, went to SM Centerpoint, Sta. Mesa where they stayed up to 8:30 in the evening.

Romeo Soria affirms respondent’s claim that he, together with his family, was at Mt. Carmel church at around 4:00 p.m. on 8 September 1991 to attend the Sunday Mass.

Respondent's allegations were, however, negated by neophyte Aries Sayson when he testified during the October 1991 hearings, in his categorical language, thus:

"Q: Aside from these 10 identified, you mentioned that there are others, do you know their name?

"A: Yes, Sir. Arthur Cuevas, Joel Calaje, Fiscal Rufino Quitasol.

"Q: Are you saying that all these persons you named were present during the hazing?

"A: Yes, Sir. (TSN Oct. 8, 1991 page 15 and 16)

x x x

x x x

"Q: Are you saying that all of these respondents participated at one point or another?

"A: Yes, sir. (TSN Oct. 8, 1991 p. 20)

"Q: When did you notice the fiscal for the first time?

"A: I first notice his presence when I was blind fold and referred to him as fiscal and when my blind fold was taken off, I noticed him and I particularly recall him wearing a yellow short instead of the fraternity shirt which the other masters were wearing. (TSN. Oct. 20, 1991, pp. 4 & 5, underscoring supplied)"

Based on the foregoing factual backdrop, the Secretary of Justice disregarded the charge of grave misconduct but found respondent liable for conduct unbecoming of a public officer and recommended that he be dismissed from the service with forfeiture of whatever benefits that may have accrued in his favor during his tenure of office. The explanation given by the Secretary pertinently reads:

"Anent the charge of Grave Misconduct, the Supreme Court has ruled that the same must have direct relation to and be connected with the performance of official duties, amounting either to maladministration or willful, intentional neglect and failure to discharge the duties of the office (Sarigumba vs. Pasok, 155 SCRA 646, underscoring supplied.)

"As to the charge of conduct unbecoming of public official or officer, said offense has been defined as 'such conduct of public official which has a tendency to destroy public respect' (Presidential Administrative Order No. 37 dated Sept. 30, 1987).

"The public outcry against hazing which is oftentimes reflected in the press and aired in broadcast media indicates the moral decay with which the public relates to hazing and the depravity attributed to one who participates in it. That the herein conduct of respondent which resulted in the filing of criminal charges against him, affects his office, is best demonstrated in the fact that when charges were filed against respondents in I.S. No. 91-2092, Quitasol deserved particular mention as a prosecutor (Daily Globe Nov. 13, 1991). Again, when administrative charges were filed against him, it was given prominent news coverage (Times Journal, April 6, 1992, Philippine Daily Inquirer, April 6, 1992). That the incongruous situation of a public prosecutor tends to destroy public respect for the office respondent holds needs no further elaboration."

This brings to the fore the core issue of whether respondent should be held administratively liable for conduct unbecoming of a public officer.

I find no cogent reason to disturb the findings of the DOJ Secretary.

Respondent's denial cannot prevail over the positive and categorical assertion of Aries Sayson, one of the neophytes that he (respondent) was present and actually participated in the hazing of the Lex Talionis Fraternity Neophytes on 8 September 1991 which resulted in the death of Raul Camaligan. This act of respondent Quitasol clearly constitutes conduct unbecoming of a public officer because it tends to destroy public respect to the public office he holds.

WHEREFORE, premises considered, respondent 3rd Assistant Provincial Prosecutor of Albay, Rufino A. Quitasol, is found guilty of Conduct Unbecoming of a Public Officer and is hereby meted the penalty of dismissal from the service with forfeiture of whatever benefits that may have accrued in his favor during his tenure of office.

Done in the City of Manila, this 22nd day of July, in the year of our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 70
CREATING A JOINT PREPARATORY EXECUTIVE-LEGISLATIVE COMMITTEE TO
FORMULATE A COMMON LEGISLATIVE AGENDA

Pursuant to the agreement reached during the meeting of the Joint Executive-Legislative Consultative Group on Resource Mobilization held on 28 July 1993, a Joint Preparatory Committee is hereby created to forge a genuine national consensus behind a common vision and agenda of government.

1. This Joint Preparatory Committee is specifically tasked to undertake the following:
 - 1.1 formulate a common legislative agenda for the Second Session of the Ninth Congress; and
 - 1.2 lay the groundworks and prepare for a nationally-based Economic Summit to be held as soon as possible.
2. This Joint Preparatory Committee shall be composed of seven (7) members from the Executive Branch, five (5) members from the Senate of the Philippines and five (5) members from the House of Representatives.
3. The following have been designated as Chairperson/Co-Chairpersons and members of this Joint Committee:
 - 3.1 From the Executive Branch
 - a) Executive Secretary as Chairman
 - b) Secretary, Department of Finance (DOF)
 - c) Director-General, National Economic and Development Authority (NEDA)
 - d) Secretary, Department of Budget and Management (DBM)
 - e) Secretary, Department of Trade and Industry
 - f) Secretary, Department of Agriculture
 - g) Secretary, Department of Agrarian Reform
 - h) Secretary, Department of Labor and Employment
 - 3.2 From the Senate of the Philippines
 - a) Senator Leticia Shahani as Co-Chairman
 - b) Senate Pro-Tempore
 - c) Senator Neptali Gonzales
 - d) Chairman, Finance Committee
 - e) Senator Ernesto Herrera
 - f) Chairman, Ways and Means Committee
 - g) Senator Blas Ople
 - h) Chairman, Foreign Affairs Committee

- g) Senator Gloria Arroyo
- h) Chairman, Economic Affairs Committee

3.3. From the House of Representatives

- a) Rep. Raul Daza as Co-Chairman
Speaker Pro-Tempore
- b) Rep. Ronaldo Zamora
Majority Floor Leader
- c) Rep. Rolando Andaya
Chairman, Appropriations Committee
- d) Rep. Exequiel Javier
Chairman, Ways and Means Committee
- e) Rep. Felicito Payumo
Chairman, Economic Affairs Committee

- 4. To assist in its work, the Joint Preparatory Committee is hereby authorized to create a Technical Panel to be composed of representatives from the Executive and Legislative branches.
- 5. The Joint Preparatory Committee is likewise encouraged to invite the participation of the private sector.
- 6. The Secretariat of the Legislative-Executive Development Advisory Council (LEDAC) shall provide secretariat staff support to the Joint Committee.
- 7. The initial report of the Joint Preparatory Committee shall be jointly submitted to the President, the Senate President, and the Speaker of the House of Representatives on or before the 20th of August 1993.

Done this 28th day of July, in the year of our Lord Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 71
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON ASSISTANT CITY
PROSECUTOR DARIO P. RAMA, JR. OF THE CEBU CITY PROSECUTION OFFICE.

This refers to the complaint of SPO3 Ambrosio G. Ibones and Sr. Inspector Esmeraldo C. Briones against Asst. City Prosecutor Dario P. Rama, Jr. of Cebu City for grave misconduct, more particularly in securing the release of a suspected drug user who is his niece.

Records show that on June 13, 1991, the Cebu City Police Anti-Narcotics and Drug Section arrested five (5) suspected drug users having pot session. Christine Rodriguez, the lone female in the group and a niece of Prosecutor Rama, was detained at the Barangay Hall in San Nicolas, proper.

The following day, SPO3 Ambrosio Ibones, a member of the arresting team, learned from Sr. Inspector Esmeraldo Briones that Prosecutor Rama had requested and taken custody of Ms. Rodriguez. SPO Briones acceded on the prosecutor's promise to present the detainee the next day. On June 17, 1991, Prosecutor Rama failed to present his niece but promised to present her at the proper time. On June 26, 1991, instead of presenting the suspect, Prosecutor Rama submitted a court order to the investigating prosecutor for the detainee's confinement to a rehabilitation center.

Respondent Rama denies responsibility for the charge. He admits having requested custody of his niece because there is no detention cell for female detainees. He claims that as the surrogate father, he was merely concerned for the welfare of his niece and that in requesting for her custody, he did not prevent the police officers from pursuing the case.

At the formal investigation respondent and complainants agreed to submit the case for resolution without need of further hearing.

The thrust of the argument is whether or not the act of Prosecutor Rama in securing the release of a suspect in a criminal case, who is his niece, constitutes grave misconduct.

We find the answer in the affirmative.

Grave Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or grave misconduct by the public officer. The word "misconduct" implies a wrongful intention and not a mere error of judgment. For serious misconduct to exist, there must be a reliable evidence that the judicial acts complained of were corrupt or inspired by an intention to violate the law, or were in persistent disregard of well-known legal rules (In re Impeachment of Horrilleno, 43 Phil. 212).

If respondent had presented his niece as promised, this may have mitigated his guilt. He made things worse when, instead of presenting his niece, he submitted a court order for her confinement at a rehabilitation center. This is an indication of the bad faith of the prosecutor in that while making excuses for failing to present the accused, he was wittingly working for the issuance of a court order.

Prosecutor Rama's claim as the surrogate father of the suspect is belied by the fact that it was Ramos Roriguez who petitioned the court for said order being the father and the one who supports the suspect. The most that Prosecutor Rama could have done to help his niece was to find her a competent lawyer to defend her. It was noted that the same incident involved a nephew of another prosecutor

who did not intercede in his behalf. Prosecutor Rama's act creates in his niece an impression that she can violate the law with impunity because she has an uncle who is a public prosecutor and who can save her from legal entanglements.

The prosecutor's action in protecting a relative caught flagrantly violating the law erodes the faith and confidence of the public in the prosecution service. Prosecutor Rama took undue advantage of his position as public prosecutor to circumvent the law in order to come to the rescue of a relative. Such conduct is undeserving of a member of the national prosecution service.

WHEREFORE, finding Prosecutor Dario P. Rama, Jr. guilty of grave misconduct, he is hereby dismissed from the service effective immediately.

Done in the City of Manila, this 29th day of July, in the year of our Lord, nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 72
PROVIDING FOR A MANDATORY PAYROLL DEDUCTION SYSTEM OF AMORTIZING
HOUSING LOAN PAYMENTS IN THE GOVERNMENT SECTOR

WHEREAS, the provision for shelter, as a basic social need has become a major government concern;

WHEREAS, the continuous provision for housing being pursued by the government, as part of its medium-term development plan, is largely dependent on a strong housing finance system, which will make available housing credit and loan facility for some acquisition to middle and low-income families;

WHEREAS, the adoption of a salary deduction scheme for the payment of housing loan amortization shall certainly enhance collection capability of NHMFC, thereby increasing the pool of funds which will again be available for home-lending purposes;

WHEREAS, in accordance with its policy and procedural guidelines, the Government Service Insurance System (GSIS), has required compulsory salary deduction for loan payments of GSIS members availing of its various loan programs, including housing loans.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, do hereby order as follows:

SECTION 1. When the government employee has agreed in writing that payment of his lot/housing loan amortization to NHMFC shall be under the payroll-deduction system, all employers in the government sector, its political subdivision and instrumentalities including government-owned and controlled corporations are directed to implement such mode of payment.

SECTION 2. The implementation of the salary deduction scheme for housing loan payments, shall comply with the statutory requirements under Section 41 of the General Provisions of the 1993 General Appropriation Act, that the net take home pay of the employees after all the deductions shall not be lower than One Thousand Pesos (P1,000.00).

SECTION 3. Agreements as to collection servicing of housing loan payments can be negotiated between NHMFC and the agency concerned; Provided, that the service fee to be paid shall not be more than One Percent (1%) of total collections.

SECTION 4. This Order shall take effect immediately.

DONE, in the City of Manila, this 29th day of July, in the year of our Lord, Nineteen Hundred and Ninety Three.

(Sgd.) FIDEL V. RAMOS

By the President
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 73

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF ALL
BENEFITS UNDER THE LAW OF 4TH ASSISTANT CITY PROSECUTOR OSMUNDO BADURIA
OF NAGA CITY**

This refers to the administrative complaint filed in August, 1990 by Naga City Prosecutor Vicente A. Estela against his 4th Assistant City Prosecutor Osmundo Baduria for neglect of duty, the same having stemmed from the latter's unexplained absence without leave from January 1, 1990.

Complainant alleges that: when the complaint was lodged sometime in August 1990, respondent Baduria has been continuously absent from work since January 1, 1990; his absence from office beginning May 1990 was not covered by any official leave as he failed to inform nor file any leave with the Office of the City Prosecutor; he lives within the City of Naga and his house is situated merely two kilometers from his place of work and yet notwithstanding advice from his co-employees to report for work, he simply promised to do so; considering then that it was rather uncertain as to whether respondent would be reporting for work, complainant was constrained to reassign respondent's cases for preliminary investigation to other prosecutors; moreover, respondent likewise abandoned his post as trial fiscal of Branch II, Municipal Trial Court of Naga City; for several months in 1989, respondent neither received his salary checks nor RATA in view of his unresolved pending cases which were already way beyond the reglementary period for preliminary investigation and most of which were for light offenses; and lastly, in a letter dated February 19, 1991 sent by the complainant, information was relayed that respondent failed to act even up to the present on the reinvestigation of a case assigned to him as early as March 1987, re: Criminal Case No. 59996 for Theft (People of the Philippines vs. Earl Gonzales), the records of which could not also be located.

Answering the complaint, respondent alleged that: his admitted continued absence from January 1, 1990 was caused by the fact he has been afflicted with acute gastritis and P.T.B. and in support thereof, five medical certificates dated April 6, 1990, September 2, 1990, February 5, 1991 and February 1, 1991 were submitted by him during the formal investigation thereat, issued by two doctors, namely: Dr. Jose G. Bernas and Dr. Venancio Barbin, attesting that he has been under treatment for the above-mentioned illnesses; further, he invokes excusable negligence in failing to submit before hand his application for leave as he was under the belief that sick leave of absence are to be filed after the same are consummated; and all cases assigned to him in 1989 have all been disposed of.

The recommendation of the Secretary of Justice to dismiss Osmundo Baduria from the service with forfeiture of all benefits under the law is anchored on the findings made that respondent's continued absence from office which started January 1, 1990 is untenable. Notwithstanding the submission of medical certificates attesting to the uncontroverted fact of his illness, it appears that respondent was not entirely immobile or bedridden resulting from such sickness as to render him physically incapable to at least inform his superior of his inability to continue with his duties for the duration of his ailment or while undergoing treatment. A testimony relating to the fact that when he was "advised to rest" and he felt bored during the period of illness and visited friends simply bolstered

the position that his supposed absence from work without leave was unjustified. What is worse, he failed to act on the case of theft submitted to him for reinvestigation as early as 1987.

I concur with the findings of the DOJ Secretary.

The explanation of respondent prosecutor as to his unjustifiable absence without leave which has caused the delay in the administration of justice is unacceptable.

WHEREFORE, premises considered, respondent Osmundo Baduria, 4th Assistant City Prosecutor of Naga City, is hereby found liable for Serious Neglect of Duty. Consequent thereto, his DISMISSAL from the service with forfeiture of all benefits under the law is hereby imposed.

Done in the City of Manila, this 30th day of July, in the year of Our Lord, nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 74
CREATING THE PRESIDENTIAL TASK FORCE ON PASIG RIVER REHABILITATION

WHEREAS, the rehabilitation of the Pasig River involves various agencies and government instrumentalities and necessitates coordinated and sustained efforts; and

WHEREAS, there is a need for a body to coordinate and oversee the rehabilitation efforts towards ensuring their effectiveness and efficiency;

NOW, THEREFORE, I FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Creation of the Presidential Task Force on Pasig River Rehabilitation. There is hereby created under the Office of the President the Presidential Task Force on Pasig River Rehabilitation, herein referred to as the Task Force.

Section 2. Duties and Responsibilities. The Task Force shall undertake, among others, the following duties and responsibilities:

- a. Oversee the implementation of the government's Master Plan on the rehabilitation of the Pasig River;
- b. Coordinate the efficient enforcement of laws and regulations affecting the Pasig river;
- c. Ensure the effective and timely implementation of programs and projects on the Pasig river as well as their complementarity with the Master Plan on its rehabilitation;
- d. Conduct periodic review of the government efforts to protect and develop the Pasig river with the end in view of the ensuring their responsiveness; and
- e. Submit regular report to the Office of the President on the status of the government's efforts on the rehabilitation and development of the Pasig River.

Section 3. Composition. The Task Force shall be composed of the following:

Secretary, Department of Environment and Natural Resources	Chairman
Representative, Office of the President	Member
Secretary, Department of Public Works and Highways	Member
Secretary, Department of Health	Member
Commodore, Philippine Coast Guard	Member
Chairman, Metro Manila Authority	Member
Administrator, Metropolitan Waterworks and Sewerage System	Member
Philippine Business for the Environment	Member
Green Coalition	Member

Section 4. Technical and Administrative Support. The River Rehabilitation Secretariat of the Department of Environment and Natural Resources shall provide technical and administrative support to the Task Force. Whenever it is deemed necessary, the Task Force, through the Chairman, may tap the assistance of the other government agencies, including the academe and research public institutions, for the furtherance of its mandate.

Section 5. Effectivity. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 29th day of July, in the Year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 75

DIRECTING THE TRANSFER AND ATTACHMENT OF THE *BAGONG KILUSANG KABUHAYAN AT KAUNLARAN* (BKKK) SECRETARIAT TO THE LAND BANK OF THE PHILIPPINES, INCLUDING ALL ITS APPLICABLE AND EXISTING FUNDS, PERSONNEL, PROPERTIES, EQUIPMENT AND RECORDS, IN ACCORDANCE WITH SECTION 37 OF REPUBLIC ACT NO. 6657 (1988)

WHEREAS, Section 37 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, provides that “[t]he *Bagong Kilusang Kabuhayan sa Kaunlaran* (BKKK) Secretariat shall be transferred and attached to the LBP, for its supervision including all its applicable and existing funds, personnel, properties, equipment and records”;

WHEREAS, on 28 January 1992, the Department of Justice rendered DOJ Opinion No. 10 (s. 1992) which stated that Section 37 of Republic Act No. 6657 (1988) transferred the BKKK Capital Fund/National Livelihood Support Fund from the Office of the President to the Land Bank of the Philippines; and

WHEREAS, there is an imperative need to effect the transfer mandated by Section 37 of Republic Act No. 6657 in order to provide support services to farmers.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The transfer of the *Bagong Kilusang Kabuhayan at Kaunlaran* (BKKK) Secretariat to the Land Bank of the Philippines pursuant to Section 37 of Republic Act No. 6657 (1988) shall include the transfer of the BKKK Secretariat’s funds, functions, personnel, properties, equipment, records, including the BKKK Capital Fund/National Livelihood Support Fund.

Section 2. (a) The Land Bank of the Philippines shall exercise supervision over the BKKK Secretariat and the BKKK Capital Fund/National Livelihood Support Fund through an Executive Committee composed of the following:

President, Land Bank of the Philippines	–	Chairman
Executive Vice-President for Agrarian Operations, Land Bank of the Philippines	–	Member
Vice-President, Land Bank of the Philippines	–	Member
Executive Director V, BKKK Secretariat	–	Member
A Representative of the Department of Agrarian Reform	–	Member

(b) In the exercise of this power of supervision, the Executive Committee shall formulate policies, programs, activities relative to the BKKK Capital Fund/National Livelihood Support Fund. It may, likewise, promulgate such rules and regulations as may be necessary for the effective exercise of its powers and the proper implementation of this Administrative Order, including rules of procedure in the utilization and disposition of the BKKK Capital Fund/National Livelihood Support Fund.

Section 3. The Land Bank of the Philippines and the BKKK Secretariat are hereby directed to plan, organize and implement the effective and immediate transfer mandated by Section 37 of Republic Act No. 6657 (1988) and reiterated in Section 1 of this Administrative Order.

Section 4. All executive issuances or portions thereof inconsistent with the provisions of this Administrative Order are hereby amended, modified or repealed accordingly.

Section 5. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 6th day of August, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 76

**CLARIFYING THE IMPLEMENTATION OF THE GRANT OF ADDITIONAL COMPENSATION
IN THE AMOUNT OF P500.00 PER MONTH TO CONTRACTUAL PERSONNEL OF THE
GOVERNMENT AND TO LOCAL OFFICIALS AND EMPLOYEES**

WHEREAS, Administrative Order No. 53 dated 17 May 1993 authorizes the grant of additional compensation in the amount of P500.00 per month to public school teachers, and uniformed personnel of the Philippine National Police and the Armed Forces of the Philippines, and likewise extends the benefit to the rest of the personnel of the government occupying positions allocated to Salary Grade 25 and below; and

WHEREAS, there is a need to clarify the implementation of the grant of said additional compensation to contractual personnel and to local officials and employees.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. **Contractual Personnel.** The implementation of the grant of P500.00 per month additional compensation is hereby clarified to cover contractual personnel without further condition. For this purpose Section 2, Paragraph 2.2 of Administrative Order No. 53 is hereby amended to read as follows:

“2. COVERAGE

x x x

x x x

2.2 The rest of the government personnel not mentioned in Item 2.1 hereof shall be limited to those occupying positions allocated to Salary Grade 25 and below whether regular or full-time casual, temporary status and contractual personnel.”

Section 2. **Officials and Employees of Local Government Units (LGUs).** The grant of said additional compensation to local officials and employees is further clarified to cover LGU officials and employees occupying positions allocated to Salary Grade 25 and below, and to subject the payment thereof to the availability of local funds.

Section 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th day of August, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 77

CREATING A PHILIPPINE NATIONAL COMMISSION FOR THE PHILIPPINE FESTIVAL
OF ARTS AND CULTURE IN FRANCE AND OTHER COUNTRIES OF EUROPE IN 1994
REVOLVING AROUND THE SPECIAL EXPOSITION IN PARIS OF THE TREASURES FOUND IN
THE “SAN DIEGO” GALLEON

WHEREAS, the Philippine Government, in its desire to develop significant awareness of the Philippines and its people among the French people in particular and the European public in general, has decided to organize a roving festival of Philippine culture and performing arts in France as well as other major cities in Europe, from September to December 1994, under the theme “Philippine Culture Through the Ages”;

WHEREAS, both the Philippine and French Governments are committed to promoting mutual understanding through the intensification of cultural relations, among others, between the two countries;

WHEREAS, the “San Diego” Exposition, a major joint project in the cultural field, will also offer a unique opportunity for attracting prospective investors, businessmen and tourists from France and other European countries;

WHEREAS, the forthcoming exposition, which will be called the Philippine Festival of Arts and Culture, is a joint RP-FRANCE undertaking under the 1993-1994 RP-FRANCE Protocol on Culture, Scientific and Technical Cooperation;

NOW, THEREFORE, be it known that I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby create the Philippine National Commission for the Philippine Festival of Arts and Culture in France and in other countries of Europe revolving around the special exposition of the treasures found in the “San Diego” Galleon, hereinafter known as the Commission. The Honorary Chairman of the Commission shall be the First Lady Mrs. Amelita Ramos with the Secretary of Foreign Affairs as Chairman and Mr. Sostenes Campillo, Jr., former Undersecretary of Tourism, as the Secretary-General of the Commission. The members of the Commission shall be:

1. The Secretary, Department of Trade and Industry
2. The Secretary, Department of Tourism
3. The Secretary, Department of Finance
4. The Secretary, Department of Budget and Management
5. The Secretary, Department of Education and Culture
6. The Director, National Museum
7. The President, Cultural Center of the Philippines
8. Two representatives from the Office of the President (proper)
9. The Chairman, National Commission on Culture and Arts
10. The President, Katutubong Filipino Foundation

11. The President, Metropolitan Museum
12. The Executive Director, Malaca@ang Heritage Foundation
13. The President, Philippine Airlines
14. The Chairman, San Miguel Corporation
15. The Chairman, PLDT
16. The Chairman, PAGCOR
17. The Administrator, Intramuros Administration

The Commission shall perform the following functions:

1. To plan and implement programs and projects for the Philippine Festival of Arts and Culture in France and other countries of Europe starting in mid-May 1994 leading up to the opening in Paris of the special exposition of the treasures found in the “San Diego” Galleon on 03 October 1994, up to its termination in January 1995;
2. To coordinate all 1994 cultural projects implementing the RP-French Protocol on Cultural, Scientific and Technical Cooperation and to insure that those projects related to the forthcoming exposition are given maximum media exposure in order that the multiplier effect of media can be taken advantage of;
3. To insure that the economic advantages that can be derived out of the roving festival are maximized through a concerted and cost-effective country team approach;
4. All heads of Departments, government agencies, corporation and instrumentalities are hereby directed to support, to the fullest extent possible, this Exposition to ensure the attainment of its goals and objective.

All private entities, associations, clubs, and organizations, including foundations and private museums, in a position to do so are requested to lend their full cooperation to this undertaking.

The Commission shall establish a Secretariat to service the administrative requirements of the Commission. The Secretariat shall be located at the Department of Foreign Affairs.

The Chairman of the Commission shall define the duties and responsibilities of the Secretary-General, as well as other officers whom the Commission may decide to designate. In this connection, the Chairman shall submit to the Office of the President a proposed staffing pattern for the Secretariat.

The amount of ONE MILLION (P1,000,000) PESOS which shall serve as the initial Philippine government contribution to the project, is hereby allocated from the contingency funds of the Office of the President. The government agencies or instrumentalities represented in the Commission are hereby authorized to draw from their operating funds additional funds needed to finance the project. The Commission shall draw up its budget and source of funding which shall be subject to existing Commission on Audit rules and regulations.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 18th day of AUGUST, in the year of Our Lord, nineteen hundred and 93.

(Sgd.) FIDEL V. RAMOS

BY THE PRESIDENT:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 78
CREATING AN INTER-AGENCY COMMITTEE TO STUDY PROPOSALS FOR REORIENTING
THE BASIC MANDATE OF THE SOCIAL SECURITY SYSTEM AS A SOCIAL INSTITUTION,
INSTEAD OF A FINANCIAL INSTITUTION

WHEREAS, dialogues with the labor sector brought out the need to provide safety nets for labor in times of economic difficulties in the short-term and to respond to the sector's welfare needs in the long-term;

WHEREAS, the Social Security System (SSS) under the Social Security Commission administers the payments and contributions of more than 13 million member-employees from the private sector for the provision of protection against the hazards of disability, sickness, old age and death;

WHEREAS, there is a need for an Inter-Agency Committee to study and recommend policies and measures to operationalize the social objectives of the SSS;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. An Inter-agency Committee to Study Proposals for Re-orienting the Basic Mandate of the Social Security System as a Social Institution, instead of a Financial Institution, hereinafter referred to as the Inter-Agency Committee, is hereby created with the following members:

Chairman	– Executive Secretary
Members	– Administrator, Social Security System
	– Secretary, Department of Labor & Employment

Section 2. The Inter-Agency Committee shall have the following objectives and functions:

- a. To study the proposal for re-orienting the basic mandate of the Social Security System, hereinafter referred to as the System, as a social institution, instead of a financial institution, and its implications on the policies, plans and programs of the System;
- b. Pursuant to the above, to study whether the Secretary of the Department of Labor and Employment shall be ex-officio Chairman of the Social Security Commission;
- c. To recommend to the President and other concerned government entities such policy and operational changes necessary to implement the social mandate of the System.

Section 3. The Inter-Agency Committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government including government-owned or controlled corporations and the private sector for assistance in the effective and efficient implementation of this Administrative Order.

Section 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 25th day of August, in the year of Our Lord, nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 79
CONSTITUTING A MULTISECTORAL CONSULTATIVE TASK FORCE

WHEREAS, Section 23, Article II of the Constitution provides that “The State shall encourage non-governmental, Community-based, or sectoral organizations that promote the welfare of the nation”;

WHEREAS, Section 16, Article XIII of the Constitution provides that “The State shall respect the role of independent people’s organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means”;

WHEREAS, Section 17, Article XIII of the Constitution provides that “The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms”;

WHEREAS, it was agreed during the Legislative-Executive Economic Summit at the Manila Hotel held on 20 August 1993, and the Pre-Summit at Malacanang held last 2 September 1993 that consultative mechanism between government and the basic sector be institutionalized;

WHEREAS, government recognizes the right of the basic sectors to be consulted and to participate in decision-making on matters concerning and affecting their sectors;

NOW, THEREFORE, I, FIDEL V. RAMOS, by virtue of the powers vested in me by law, do hereby order and direct:

Section 1. Composition. — There is hereby constituted a Multisectoral Consultative Task Force, hereinafter referred to as the Task Force, to oversee the conduct of a consultative forum on matters discussed and agreed upon during the People’s Economic Summit. The Task Force shall be composed of the Executive Secretary as Chairman and the following members:

Secretary of Trade and Industry
Secretary of Labor and Employment
Secretary of Finance
Secretary of Agriculture
Secretary of Agrarian Reform
Secretary of Justice
Secretary of Budget and Management
Director-General, National Economic Development Authority
Presidential Adviser on the Peace Process
One (1) representative from the Business Sector
One (1) representative from the Labor Sector
One (1) representative each from the following basic sectors:

- a. Youth and Students;
- b. Farmers and Fisherfolks;

- c. Women;
- d. Elderly and Veterans;
- e. Urban Poor;
- f. Indigenous Cultural Communities;
- g. Disabled; and
- h. Other sectors as may later be determined by the Task Force.

The representatives from the basic, business and labor sectors shall be selected in accordance with rules and regulations to be promulgated by the concerned departments/agencies that have supervision over them.

Section 2. Functions. — The Task Force shall have the following functions:

- a. To monitor and review the agreements arrived at during the People's Economic Summit and other consultations;
- b. To ensure implementation of agreements arrived at during the People's Economic Summit;
- c. To provide a mechanism for regular consultation in the formulation of government policies and programs at different levels;
- d. To ensure compliance with presidential directives for all departments/agencies to conduct regular consultations with their respective constituents;
- e. To coordinate with the respective Committees in the Senate and the House of Representatives on matters taken up during the Peoples' Economic Summit; and
- f. To perform such other function as may be assigned by the President.

Section 3. Meetings. — The Task Force shall meet at least once every two months or as often as it may deem necessary to review and assess the implementation of the agreements arrived at during the Economic Summit.

Section 4. Secretariat. — The Presidential Management Staff shall provide secretariat staff support to the Task Force.

Section 5. Implementing Rules. — The Task Force shall formulate its own rules and regulations to carry out the provisions of this Administrative Order.

Section 6. Effectivity. — This Administrative Order shall take effect immediately.

DONE, in the city of Manila this 8th day of September, in the Year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:
(Sgd.) **TEOFISTO T. GUINGONA, JR.**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 80
AUTHORIZING INSULAR GENERAL INSURANCE COMPANY, INC., TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal, or otherwise, or of any undertaking, or for doing, or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing solely of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds of undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, judge, officer, board, or body, whether executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract, or undertaking, unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds, and undertakings; and

WHEREAS, INSULAR GENERAL INSURANCE COMPANY, INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines, and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the Insular General Insurance Company, Inc., to become a surety upon official recognizances, stipulations, bonds, and undertakings in such manner and under such conditions as are provided by law, subject, however, to the condition that the amount constituting the contributed surplus fund shall not at anytime be withdrawn without prior recommendation and justification by the Insurance Commissioner, duly approved by the Secretary of Finance, and provided further, that the moment Insular General Insurance Co., Inc., become indebted to any government instrumentality or political subdivision thereof, or to any government-owned or controlled corporation in the total amount of ₱50,000.00 accruing from the issuance of bonds, the same having become due and demandable, the insurance company must voluntarily desist from writing or issuing all kinds of bonds until the outstanding liabilities in government bonds shall have been fully paid or settled. Non-payment of liabilities shall be a cause for the immediate revocation of this Administrative Order.

Done in the City of Manila, this 8th day of September, in the year of Our Lord, nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 81
GIVING MORE IMPETUS TO THE GOVERNMENT EFFORT TO DISBAND
PRIVATE ARMED GROUPS

WHEREAS, there are government officials and abusive personalities who utilize numerous AFP, PNP or civilian bodyguards, as security personnel to the consternation of the general public;

WHEREAS, the resurgence of private armed groups is counter productive and will endanger the realization of our vision of “Philippines 2000”;

WHEREAS, there is a clamor for the continued operations against the private armed groups even beyond the deadline set forth on September 9, 1993; and

WHEREAS, there is a need to involve and integrate all the efforts of law abiding citizens and concerned sectors of the government in the campaign to disband private armed groups.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The DND-AFP and DILG-PNP shall jointly evaluate and assess the tactical necessity of all community defense forces (e.g. CAFGUs, CVOs, etc.) organized according to law and immediately deactivate those which are no longer needed for counter-insurgency (COIN) operations.

Section 2. The provision of security detail to government offices, officials, or any private entity or person pursuant to EO No. 41, s. 1966, as amended by EO 371 dated September 28, 1989 or RA No. 6975 (Section 35<3>) shall be assessed to determine whether public interest is served thereby. All excess security personnel shall be recalled.

Section 3. Only regular AFP and PNP personnel may be assigned as security and only with the express approval of the concerned Department Secretary.

Section 4. No detailed security personnel shall conduct military or law enforcement operations independent of their mother unit except in the case of citizens arrest pursuant to Rule 113 of the Rules of Court.

Section 5. The existing reward system shall be updated to provide rewards to citizens furnishing information in the campaign against private armed groups.

Section 6. The Secretaries of the Interior and Local Government and National Defense shall issue guidelines to implement this Order.

Section 7. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 13th day of September, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 82
ESTABLISHING THE IMPLEMENTING MECHANISM FOR THE SOCIAL PACT FOR
EMPOWERED ECONOMIC DEVELOPMENT (SPEED)

WHEREAS, Section 17, Article XIII of the Constitution provides that “the right of the people and their organizations to effective and reasonable participation at all levels of social and political, and economic decision-making shall not be abridged”;

WHEREAS, government recognizes the rights of the private sector to be consulted and to participate in decision-making on matters concerning and affecting their sectors;

WHEREAS, it was agreed during the Legislative-Executive Economic Summit, held on 20 August 1993 at the Manila Hotel, and the Pre-Multisectoral Summit, held on 2 September 1993 in Malacañang, that consultative mechanisms between government and the private sector should be institutionalized;

WHEREAS, consultative mechanisms have been established on the implementation of the Social Pact: Multi-Sectoral Consultative Task Force, per Administrative Order No. 79, dated 8 September 1993, “to oversee the conduct of a consultative forum on matters discussed and agreed upon during the People’s Economic Summit”; and agreement by the Executive and Legislative Branches to have the Joint Executive-Legislative Preparatory Committee, created Per Administrative Order No. 70, dated 29 July 1993, to supervise and monitor the implementation of the Social Pact;

WHEREAS, the Social Pact for Empowered Economic Development approved by the government and private sector during the Multi-Sectoral People’s Economic Summit held on 8 September 1993 at the Philippine International Convention Center, provides for the creation of an Oversight Committee composed of the members of the Legislative-Executive Development Advisory Council (LEDAC) and key private sector representatives;

WHEREAS, there is a need to establish the implementing mechanism for the Social Pact by defining the roles, responsibilities and relationships of the Oversight Committee, Preparatory Committee and the Multi-Sectoral Consultative Task Force.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order and direct:

Section 1. Institutional Mechanisms. The following shall constitute the organizational mechanism for the implementation of the commitments in the Social Pact.

- a. Oversight Committee. The Oversight Committee provided in the Social Pact shall undertake the overall supervision, coordination and integration and act as the policy-formulating body for the Social Pact.
 - Functions. The Committee shall have the following functions, pursuant to the provisions in the Social Pact:
 - Finalize the commitments in the Social Pact by resolving possible policy inconsistencies and prioritizing the implementation of the commitments;

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- Draw up supplementary agreements and implementing guidelines for the effective and efficient implementation of the commitments;
 - Monitor the pace of implementation and compliance to the commitments by the Executive, Legislative and private sector;
 - Undertake resolution of policy issues relative to the Social Pact;
 - Regularly review the commitments in the Social Pact and accomplishments therein;
 - Prepare and disseminate regular consolidated reports of accomplishments;
 - Serve as a mechanism for regular and sustained consultation and as an advisory body to the Executive, Legislative and private sector in policy formulation; and,
 - Perform other functions necessary for the effective and efficient implementation of the Social Pact.
- Composition. The Oversight Committee shall be chaired by the President (as Chairman of LEDAC) and shall have the following composition, as provided in the Social Pact:
 - Twenty (20) members of the LEDAC
 - Eight (8) key private sector representatives, to be appointed by the President (one representative each from the following: business, labor, farmers/fisherfolks, women, elderly veterans, urban poor, cultural communities and disabled)
 -
 - Staff Support. The LEDAC Secretariat shall provide the necessary staff support to the Committee.
- b. Multi-Sectoral Consultative Task Force. The Task Force, created per Administrative Order No. 79, dated 8 September 1993, shall oversee the implementation of the Executive's commitments in the Social Pact.
- Functions. The Multi-Sectoral Consultative Task Force shall have the following functions, pursuant to A.O. No. 79:
 - Monitor and evaluate the implementation of the Executive's commitments;
 - Identify and facilitate the resolution of program/project issues and bottlenecks;
 - Act as coordinator and integrator of Executive actions and serve as the consultative mechanism between the Executive and the private sector relative to the Social Pact;
 - Ensure compliance by all departments/agencies with the directives by the Oversight Committee or the President on the conduct of consultations with respective constituencies and implementation of programs/projects relative to the Social Pact;
 - Undertake regular review of the Executive's commitments and submit regular accomplishment reports to the President and the Oversight Committee; and,
 - Perform other implementing functions that may be deemed necessary by the President and the Oversight Committee relative to Executive matters in the Social Pact.
 - Composition. The Task Force shall consist of the same membership as provided in A.O. No. 79.
 - Staff Support. The Presidential Management Staff shall provide the necessary staff support to the Task Force.
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- c. Joint Executive-Legislative Preparatory Committee. The functions of the Joint Executive-Legislative Preparatory Committee, created per Administrative Order No. 70, dated 28 July 1993, is hereby refocused to oversee the implementation of the Legislative's commitments in the Social Pact. In this regard, the Preparatory Committee is hereby renamed as the Joint Congressional-Executive Task Force on Legislative Matters for the Social Pact.
- Functions. The Joint Congressional-Executive Task Force on Legislative Matters shall have the following functions:
 - Oversee, monitor and evaluate the implementation of the Legislative's commitments;
 - Identify and facilitate the resolution of implementing issues and bottlenecks;
 - Act as the coordinator/integrator and serve as the consultative mechanism for the Executive, Legislative and private sector on legislative matters in the Social Pact;
 - Undertake regular review of the implementation of legislative commitments and submit regular accomplishment reports to the Oversight Committee; and,
 - Perform other implementing functions that may be deemed necessary by the Oversight Committee and the President relative to legislative matters in the Social Pact.
 - Composition. The Task Force shall consist of the same membership as the Joint Executive-Legislative Preparatory Committee, as provided in A.O. No. 70.
 - Staff Support. The LEDAC Secretariat shall provide the necessary staff support to the Task Force, as provided in A.O. No. 70.
- d. Implementing Agencies. The actual implementation of the commitments of the Executive Branch in the Social Pact shall be undertaken by the Departments or agencies that have sectoral or functional responsibility/jurisdiction over the commitments, whether individually or jointly.

Section 2. Meetings. The Oversight Committee shall meet at least once every quarter and the Multi-Sectoral Consultative Task Force and the Joint Congressional-Executive Task Force on Legislative Matters shall meet at least once a month, or as often as they may deem necessary.

Section 3. Initial Report of the Oversight Committee. The first review of the commitments in the Social Pact and accomplishments therein shall be prepared and reported by the Oversight Committee by January 1994, as provided in the Social Pact.

Section 4. Funding. Expenditures arising out of the meetings and activities of the Oversight Committee, Multi-Sectoral Consultative Task Force and the Joint Congressional-Executive Task Force on Legislative Matters shall be sourced from the interest earnings of the President's Social Fund for 1993 and, thereafter, included in the General Appropriations Act.

Section 5. All orders, issuances, rules and regulations or parts thereof inconsistent with this Order are hereby repealed and modified accordingly.

Section 6. Effectivity. This Administrative Order shall take effect immediately.

DONE, in the City of Manila this 14th of September, in the Year of Our Lord, Nineteen Hundred and Ninety Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 83

**DIRECTING THE RELEVANT GOVERNMENT AGENCIES TO CONDUCT IMMEDIATE
CADASTRAL REGISTRATION PROCEEDINGS OVER LANDS IN BARRIO PAYOCPOC SUR,
BAUANG, LA UNION FOR PURPOSES OF IMPLEMENTING A FAST TRACK ELECTRIC
POWER BUILD-OPERATE-TRANSFER AGREEMENT**

WHEREAS, a Fast Track Build-Operate-Transfer (“BOT”) Agreement was entered into by the National Power Corporation (“NAPOCOR”) and First Private Power Corporation (“FPPC”) to construct a 215-megawatt Bunker-C-fired diesel-driven power generating plant in Barrio Payocpoc Sur, Bauang, La Union;

WHEREAS, this Fast Track BOT Project is being undertaken under the Government’s declared policy of adopting effective measures to address the electric power crisis in the country as enunciated in Republic Act No. 7648, otherwise known as the “Electric Power Crisis Act”;

WHEREAS, the lands acquired by NAPOCOR where the BOT power plant project will be erected are unregistered and have no certificates of title;

WHEREAS, under Presidential Decree No. 1529 known as the “Property Registration Decree”, the President has the power to order the relevant government agencies to conduct an immediate cadastral registration proceedings, settlement and adjudication over the lands involved when the public interest so requires;

NOW THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Cadastral Survey. The Lands Management Bureau shall conduct an immediate cadastral survey over the lands in Barrio Payocpoc Sur, Bauang, La Union involved in the aforementioned fast track electric power BOT project in accordance with Section 35 Presidential Decree No. 1529.

Section 2. Proceedings. The Office of the Solicitor General shall immediately institute necessary cadastral proceedings before the proper courts for and on behalf of NAPOCOR and shall secure the appropriate order for the registration of the lands involved therein.

Section 3. Registration. The Land Registration Authority shall issue the corresponding decree of registration and certificate of title in favor of NAPOCOR on the lands involved in the foregoing cadastral proceedings, and shall transmit the same immediately for entry in the registration book of the proper Register of Deeds where the lands involved are situated.

Section 4. Effectivity. This Order shall take effect immediately.

DONE in the City of Manila, this 22th day of September, in the year of our Lord nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 84

AUTHORIZING ALL DEPARTMENTS, BUREAUS, OFFICES, AGENCIES, AND INSTRUMENTALITIES OF THE NATIONAL GOVERNMENT, INCLUDING STATE COLLEGES AND UNIVERSITIES AND GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS, TO ADVANCE THE PAYMENT TO THE NATIONAL FOOD AUTHORITY (NFA) FOR THE NFA RICE THAT MAY BE PURCHASED BY THEIR EMPLOYEES, CHARGEABLE AGAINST THE PERSONNEL EMERGENCY RELIEF ALLOWANCE (PERA) OF THEIR EMPLOYEES AND COLLECTIBLE BY SALARY DEDUCTION FROM THE SAID EMPLOYEES

WHEREAS, the National Food Authority (NFA) is mandated by law to procure palay and corn to stabilize the supply and price of the said commodities;

WHEREAS, the prevailing retail prices of commercial rice have continuously increased to the prejudice of low-income families;

WHEREAS, the NFA has embarked on a rice distribution program for low-income families, including low-salaried government employees;

WHEREAS, to facilitate and expand the said NFA rice distribution program, it is necessary to authorize all departments, bureaus, offices, agencies, and instrumentalities of the national government, including state colleges and universities and government-owned or controlled corporations, to advance the payment to the NFA for the NFA rice that may be purchased by their employees, chargeable against the Personnel Emergency Relief Allowance (PERA) of their employees and collectible by salary deduction from the said employees;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All departments, bureaus, offices, agencies, and instrumentalities of the national government, including state colleges and universities and government-owned or controlled corporations, are hereby authorized to advance the payment to the National Food Authority (NFA) for the NFA rice that may be purchased by their employees, chargeable against the Personnel Emergency Relief Allowance (PERA) of their employees and collectible by salary deduction from the said employees.

SEC. 2. To avail of the NFA offer to sell at ₱517.50 (₱10.25/kilo x 50 kilos plus ₱5.00 delivery fee) per bag of NFA rice, interested government agencies shall submit a list of their employees who want to buy NFA rice, together with the payment, either in cash or by checks payable to the NFA. Thereafter, the NFA will deliver the rice to the agency concerned, which will in turn distribute the bags of rice individually to their employees.

SEC 3. This Order shall cover the period from October 1 to December 31, 1993, unless further extended.

SEC. 4. This Order shall take effect immediately.

Done in the City of Manila, this 22th day of September, in the year of our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 85
CREATING A NATIONAL COMMITTEE FOR THE OBSERVANCE OF OCTOBER 17 AS THE
WORLD DAY FOR OVERCOMING EXTREME POVERTY

WHEREAS, the United Nations General Assembly (A/RES/47/196 – 22 December 1992) declared October 17 as the International Day for the Eradication of Poverty, to be observed beginning 1993;

WHEREAS, Proclamation No. 269 dated **October 4, 1993** declared October 17 of every year as National Day For Overcoming Poverty in observance of the “World Day for Overcoming Extreme Poverty.”

WHEREAS, the nationwide observance requires a planned and coordinated activity to ensure the attainment of the observance’s objectives, including the active participation of various sectors and institutions.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a National Committee for the Observance of October 17 as the World Day for Overcoming Extreme Poverty.

SECTION 1. Composition. The Committee shall be chaired by the Department of Social Welfare and Development, with representatives from the following agencies as members:

- a) Office of the President;
- b) Presidential Commission to Fight Poverty;
- c) Department of Interior and Local Government;
- d) Presidential Commission for the Urban Poor;
- e) Office of the Press Secretary; and
- f) Two (2) representatives from the non-government organizations or business sector.

The Chairman shall recommend to the President the private sector members to the Committee.

SEC. 2. Functions. - The National Committee shall have the following functions and responsibilities:

- a) Formulate a comprehensive plan for the observance of the day;
- b) Ensure, direct, supervise, effect and coordinate all arrangements necessary for the observance of the day;
- c) Ensure the participation of concerned government agencies, non-government organizations, mass media, sectoral groups and individuals;
- d) Prepare reports to the President on the outcome of each observance.

The Committee may call upon any government instrumentality to render the necessary assistance for the observance. It may also create such task forces or sub-committees as may be deemed necessary.

SEC. 3. Secretariat. - The Department of Social Welfare and Development shall provide the technical and administrative support to the Committee.

SEC. 4. Effectivity. - This Administrative Order shall take effect immediately.

Done in the City of Manila, this 4th day of October, in the year of Our Lord, nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). [*Administrative Order Nos.: 1 - 100*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 86
CREATING THE NATIONAL CREDIT COUNCIL

WHEREAS, it is well recognized that credit is a vital tool for countryside development;

WHEREAS, current efforts have emphasized, in particular, the role of credit in poverty alleviation and people empowerment;

WHEREAS, there exists at present a number of government-based credit and guarantee programs which are diversely managed and implemented;

WHEREAS, the Social Pact on Credit, forged and established by a broad alliance of government, non-governmental, and people's organizations concerned with credit delivery to the countryside, recommended the rationalization of these programs, especially as they cater to small farmers and other rural workers, fisherfolk, urban poor, and small entrepreneurs via a rationalization mechanism.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested upon me by law, hereby order:

SECTION 1. There is hereby created the National Credit Council (NCC) composed of the following:

Department of Agriculture (Agricultural Credit Policy Council)
Department of Agrarian Reform
Department of Environment and Natural Resources
Department of Finance
Department of Trade and Industry / Small and Medium
Enterprises Development Council
Bangko Sentral ng Pilipinas
Land Bank of the Philippines
Philippine National Bank
Philippine Deposit Insurance Corporation
Presidential Council on Countryside Development
Presidential Commission to Fight Poverty
Cooperative Development Authority
Congress Planning and Budget Office
Bankers Association of the Philippines
Rural Bankers Association of the Philippines
Chamber of Thrift Banks/Development Banks Assn.
BANGKOOP
Representative, Cooperative Federation/Assn.
Representative, Social Pact Alliance

The following agencies shall also sit as ex-officio members:

Government Service Insurance System
Social Security System
Home Developmental Mutual Fund/PAG-IBIG

The heads of the Department of Finance and of the Land Bank of the Philippines shall serve as Chairperson and Co-chairperson respectively, of the Council. The Vice-Chairmen are the Chairman of the Presidential Commission on Countryside Development and the President of the Bankers Association of the Philippines.

SEC. 2. The Council shall have the following functions:

- a. Rationalize and optimize the use and delivery on a sound basis of the various credit programs of all government institutions in order to harmonize activities and where deemed necessary by the Council, to consolidate through the regular lending entities taking into consideration such parameters as clientele and local area characteristics, interest rate policy, delivery mechanism, mobilization process, and fund sourcing.
- b. Develop, through multisectoral consultations/linkages and policy dialogues, a national credit delivery system, incorporating the attendant capability upgrading and institutional strengthening mechanisms towards enhancing the credit beneficiary groups productive capability and the financial intermediaries' efficiency and effectivity.
- c. Encourage a higher level of private sector participation, with its extensive network of commercial bank branches with combined resources which are far greater than that of government, in credit delivery of countryside small and medium enterprises and rural entrepreneurs, to spur countryside development and the creation of workplaces with small per-capita investments; and also for rural infrastructure and other economic projects.
- d. Define and rationalize the role of guarantee programs and guarantee agencies. Review the adequacy of guarantee funds and coverage towards undertaking the necessary adjustments thereto.

SEC. 3. A Secretariat shall be created simultaneously with the NCC to assist in the implementation of the aforementioned functions. To act as secretariat shall be the Land Bank of the Philippines.

SEC. 4. The Council shall submit regular quarterly reports on the results of its activities to the President and the Social Pact on Credit.

SEC. 5. The Council may call upon any department, bureau, office, agency, or any instrumentality of the government, including government-owned or controlled corporations and government financial institutions, for assistance as it may deem necessary in discharging its functions and said agency shall give due priority to and comply with the requirements of the Council.

SEC. 6. Whatever expenses to be incurred by the Council shall be jointly borne by participating agencies from out of their respective funds for such type of activities.

SEC. 7. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 8th day of October, in the year of Our Lord, nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). [*Administrative Order Nos.:1 - 100*]. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 87
CREATING THE PRESIDENTIAL TASK FORCE ON MANILA BAY REHABILITATION

WHEREAS, it is the concern of our society to have a properly developed, healthy and safe Manila Bay area;

WHEREAS, the rehabilitation of the Manila Bay involves the various agencies, institutions and instrumentalities and necessitates coordinated and sustained efforts; and

WHEREAS, there is a need for a body to oversee and coordinate the planning and rehabilitation efforts for the development of Manila Bay.

SECTION 1. Creation of the Presidential Task Force on Manila Bay Rehabilitation. There is hereby created under the Office of the President, the Presidential Task Force on Manila Bay Rehabilitation.

SECTION 2. Duties and Responsibilities. The Task Force shall undertake, among others, the following duties and responsibilities:

- a. Serve as forum for the deliberation and clarification of issues and concerns;
- b. Review existing policies, programs, laws, ordinances, rules and regulations concerning Manila Bay;
- c. Formulate a comprehensive and integrated Program for the rehabilitation and development of Manila Bay, and
- d. Determine the need to create a permanent body to oversee the implementation of the above mentioned comprehensive and integrated program, and to coordinate and recommend to the President policies, strategies and measures for the development/improvement of the Bay.

SECTION 3. Composition. The Task Force shall be composed of heads of the following agencies or their duly designated representatives with the ranks of at least Undersecretary or Assistant General Manager, as the case maybe:

Department of Environment and Natural Resources	Chairman
Public Estate Authority	Vice Chairman
Office of the President	Member
Department of Agriculture	Member
Metropolitan Manila Authority	Member
Laguna Lake Development Authority	Member
Department of Public Works and Highways	Member
Metropolitan Waterworks and Sewerage System	Member
Department of Tourism-Philippine Tourism Authority	Member
Housing and Urban Development Coordinating Council	Member
Philippine Coast Guard	Member
Philippine Ports Authority	Member

Governors of the Provinces of Cavite, Bulacan, Pampanga, Bataan and the Chairman of Metro Manila Authority	Member
Private Sector representatives from the fishing, tourism, construction, real estate and shipping industries	Member
Representatives from the academe and environmental groups	Member

SECTION 4. Technical and Administrative Support. The Department of Environment and Natural Resources – Environmental Management Bureau shall provide technical, administrative and secretariat support to the Task Force. Whenever it is deemed necessary, the Task Force, through the Chairman, may tap the assistance of other government agencies, private/civic organizations, for the furtherance of its mandate.

SECTION 5. Effectivity. This Administrative Order shall take effect immediately. The Comprehensive Plan for the Rehabilitation and Development of the Manila Bay shall be submitted to the President three (3) months after the signing of this Administrative Order.

DONE, in the City of Manila, this 8th day of October, in the year of our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 88
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON FOURTH ASSISTANT
PROVINCIAL PROSECUTOR MIGUEL C. REYES OF BULACAN

This refers to the administrative complaint filed by Carmelita de la Cruz against Prosecutor Miguel C. Reyes of the Office of the Provincial Prosecutor of Bulacan for Grave Misconduct.

Records show that on January 30, 1991, Prosecutor Faustino Chiong, First Assistant Provincial Prosecutor of Bulacan, came upon Carmelita de la Cruz who was crying in the office. Upon inquiry, he learned that she had given Five Thousand Pesos (₱5,000.00) to Prosecutor Miguel C. Reyes of the same office on the latter's representation that the murder case against her son will be dismissed. Prosecutor Reyes allegedly told her that he will give part of the amount to Prosecutor Chiong who is handling the prosecution of the case and the other part to a competent defense counsel.

Incensed, Prosecutor Chiong instantly took down the sworn statement of complainant in the presence of four witnesses and forwarded the same to the Department of Justice.

In his answer, respondent claimed that complainant sought his assistance in the dismissal of the criminal case against her son and that he advised her to secure a good defense counsel. Respondent likewise admitted having received the money from complainant as attorney's fees for Atty. Rodolfo P. Liwanag who had accepted the case.

Based on the answer, Prosecutor Reyes was placed under preventive suspension. Respondent was represented by Atty. Rodolfo Liwanag who asked for several postponements because the former went to the United States. Meanwhile, a state prosecutor from the Department of Justice secured from Branch 11 of the Regional Trial Court of Bulacan minutes of the proceedings of the case against complainant's son and found out that accused was represented by a de officio counsel. It was only two days after the irregularity was discovered that Atty. Liwanag entered his appearance as counsel for the accused.

At the hearing of the case, respondent presented an affidavit of retraction of complainant and a note from Atty. Liwanag acknowledging receipt of the ₱5,000.00. Respondent also claimed that the sworn statements of complainant should not be given weight because she is illiterate and did not know the contents of her affidavit.

The Department of Justice found the defense put up by the respondent to be untenable.

Before complainant affixed her thumbmark on the sworn statement, the contents therein were explained to her first. In taking the statement, Prosecutor Chiong has no underlying reasons to fabricate such a serious charge other than to clear his name. Besides, if as respondent claims, complainant being illiterate, did not know the contents of her affidavit, then, in the same vein, she also would not know what is stated in her affidavit of retraction.

The affidavit of retraction of the complainant was not given any probative value, it being a mere afterthought. Besides such can easily be secured for monetary consideration especially from poor and ignorant litigants. Moreover, notwithstanding an affidavit of retraction, the head of office can proceed, *motu-proprio*, with the investigation of irregularities reported to him and exercise his disciplinary powers, if evidence so warrants.

The receipt issued by Atty. Liwanag was of no credence, either. The counsel's entry of appearance in the case two days after the irregularity was unearthed is seen as an effort to save the integrity of the respondent.

I concur with the findings of the DOJ Secretary.

Respondent's explanation that he received the amount from the complainant to help facilitate the release of her son per se constitutes misconduct of the highest order. No amount of justification can erase the stigma brought about by this despicable act.

WHEREFORE, premises considered, Fourth Assistant Provincial Prosecutor Miguel C. Reyes of Bulacan is hereby found guilty of Grave Misconduct and is hereby ordered dismissed from the service effective immediately.

Done in the City of Manila, this 13th day of October, in the year of our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 89
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE
OF ALL THE BENEFITS UNDER THE LAW OF MANILA ASSISTANT
PROSECUTOR JOSE M. RODRIGO

This refers to the administrative complaint filed motu proprio by the Department of Justice against Manila Assistant City Prosecutor Jose M. Rodrigo for grave misconduct and disgraceful and immoral conduct.

It appears from the police report, dated February 24, 1993, that Leny Malonzo and Thelma Bisa personally went to the office of the Mayor's Action Group for Investigation and Complaints (MAGIC), Office of the Mayor, Manila, on February 17, 1993, and narrated their complaint to Inspector Romulo R. Castillo, Officer In-Charge of MAGIC, that Prosecutor Jose Rodrigo y. Mejia was asking money from them in exchange for the release of Malonzo's husband and Bisa's brother who have been charged with robbery and illegal possession of firearm and whose cases were being handled by Prosecutor Rodrigo; that, after taking the sworn statements of Malonzo and Bisa on February 24, 1993, Inspector Castillo directed SPO2 Edgar A. Reyes, SPO1 Lamberto Gan, and SPO3 Richard Lumbad to set an entrapment against respondent prosecutor; that, in the morning of February 24, 1993, Inspector Castillo went to the National Bureau of Investigation, together with SPO1 Gan, to have the marked money in the amount of ₱15,000.00 treated with fluorescent powder; that, after the hearing in court on said date and following the instructions of respondent to Malonzo for her to wait outside Room 323, City Hall, the latter followed the former up to his car and boarded the same; that the operatives positioned themselves around the two and, acting on the pre-arranged signal given by Malonzo, surrounded the car and arrested respondent; and the said operatives brought respondent to the NBI for examination, which confirmed the presence of fluorescent powder on respondent.

The joint affidavit of apprehension of Inspector Castillo and the members of the entrapment team substantially affirms the statements in the police report with the additional information that, on February 17, 1993, Malonzo also reported that respondent was sexually interested in Bisa.

In her sworn statements, Leny Malonzo alleges that she and Bisa sought the assistance of PO3 David Tuazon of the WPDC for the release of her husband and Bisa's brother; that PO3 Tuazon advised them to seek the help of respondent; that they were always assured by respondent everytime they approached him regarding the release of her husband and Bisa's brother; that she observed that respondent was somewhat attracted to Bisa and, because of this, she left it to Bisa to negotiate with respondent for the early release of her husband and Bisa's brother; that, on February 22, 1993, Bisa told her that respondent would agree to the dismissal of the aforementioned cases on February 24, 1993, the scheduled hearing date, in exchange for her body; that, since Bisa did not agree to this agreement, respondent insisted that they give him ₱20,000.00; that, on February 23, 1993, she went to the office of respondent to request that said amount be reduced, as she cannot afford the same; that respondent reduced the amount to ₱15,000.00 and instructed her not to tell anybody and for her to meet him at a designated place; that, on February 24, 1993, respondent asked her to wait for him after the hearing;

hence she waited outside his office at the Manila City Hall, carrying with her the marked money; that, when respondent emerged from his office, she followed him and helped him carry his things; that upon reaching the parking lot at the City Court, respondent asked her if she had the money and, when she showed him the money, he touched it as if to be sure that what she was carrying was really money; that when they were both inside the car, respondent got from her the envelope containing the money, placed it inside his right pocket and drove the car towards the gate of the parking lot where several persons surrounded their car.

Thelma Bisa corroborates the foregoing allegations and adds that respondent promised to help her financially with her studies; that he offered to provide her with a “rest house” where she can bring her friends but that she cannot have any boyfriend; that if she agreed to his offer, the case of his brother would surely be dismissed; that respondent told her that this arrangement should not be known to his family, even if his wife who is a retired lawyer is presently in the States; and that, on January 27, 1993, respondent reiterated that her brother’s case would be dismissed in exchange for her body, but she did not accept said offer.

Demelen Renton dela Cruz certifies that the ultraviolet light examinations made on the left and right hands of respondent, his pants and the five (5) pieces of five hundred peso bills and one hundred (100) pieces of one hundred peso bills showed; 1) the presence of yellow fluorescent powder on the dorsal and palmar aspects; 2) the presence of yellow fluorescent specks on the left, right and back pocket of the pants of respondent; and 3) the presence of yellow fluorescent powder and fluorescent markings “P93-21, NBI/FCD/DRC, 2/24/93”.

Respondent denied both charges and elected to have a formal investigation of the case.

During the formal investigation, respondent avers that the testimonies of Malonzo and Bisa are fraught with inconsistencies and improbabilities; and that Malonzo’s statements contradicted Bisa’s allegations. He claims that Bisa and Malonzo went to MAGIC only on February 24, 1993, to set him up, not to entrap him because he refused to cooperate with them and other persons interested in the dismissal of the aforementioned cases; that, at the hearing on February 24, 1993, Bisa invited him for a merienda at the Dunkin Donuts but he declined; that, on his way down from his office, he was approached by Malonzo who offered to help him carry some of his things; that, as they walked at the third floor corridor going to the stairs, he noticed that Malonzo was walking a bit behind him and, at times, he felt the left middle part of his body being bumped slightly; that Malonzo asked if she could ride with him up to the PGH because her son was still sick; that, while they were almost at the gate of the parking lot, he stopped his car because the bamboo bar was still down; and that suddenly Capt. Jaylo knocked on the car window and, when he opened it, Capt. Jaylo introduced himself and invited him to his office at MAGIC for alleged extortion. He further alleges that, when he got out of the car, he turned towards his back and saw Malonzo already out of the car and Lt. Castillo got from her an envelope. From the office of MAGIC, he was brought to NBI with two guards. He requested Lt. Castillo to state, if asked the truth, that he never got from him (respondent) any envelope containing money bills as the same was taken from Malonzo. Lt. Castillo allegedly said “yes, because that is the truth”. He was then subject to an examination. When Malonzo was asked during the inquest, whether she gave the money to the respondent, she answered that she did but the same was returned to her. Bisa, for her part, said that respondent never asked her for sexual intercourse but merely touched her shoulders and winked.

The recommendation of the Secretary of Justice to dismiss respondent Jose Rodrigo from the service with forfeiture of all benefits under the law is anchored on the findings that said respondent failed to overcome the allegations of Leny Malonzo and Thelma Bisa that, in exchange for the dismissal of the cases of Malonzo’s husband and Bisa’s brother, said respondent asked for Bisa’s body

and, when Bisa refused, he extorted money from them. Despite respondent's denial, the result of the forensic examination clearly shows that respondent handled the marked money, which drives home the conclusion that he extorted money from Malonzo and Bisa. Likewise, respondent's actuations towards Bisa is a disgraceful conduct, which is extremely unbecoming of a public prosecutor.

I concur with the findings of the Secretary of Justice.

The bare denial of respondent prosecutor and his claim that he was set-up by Leny Malonzo and Thelma Bisa are unacceptable.

WHEREFORE, premises considered, respondent Jose M. Rodrigo, Assistant City Prosecutor of Manila, is hereby found liable for Grave Misconduct and Disgraceful and Immoral Conduct. Consequently, his dismissal from the service with forfeiture of all benefits under the law is hereby imposed, effective fifteen (15) days after his receipt of a copy of this Order pursuant to Book VII, Section 15, of the Administrative Code of 1987.

Done in the City of Manila, this 16th day of October, in the year of Our Lord, nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 90
CREATING A PROJECT MANAGEMENT OFFICE ON SOLID WASTE MANAGEMENT UNDER
THE PRESIDENTIAL TASK FORCE ON WASTE MANAGEMENT

WHEREAS, the Presidential Task Force on Waste Management (PTFWM) created by virtue of Memorandum Circular No. 39 has formulated the Solid Waste Management Framework;

WHEREAS, there is a need to regularly and comprehensively update the Framework/Plan to address the increasing garbage problem of Metropolitan Manila and other local government units;

WHEREAS, the Presidential Task Force on Waste Management is an inter-agency body and there is therefore a need for a more permanent body or group composed of experts to assist the Task Force in the formulation of necessary standards/guidelines/criteria for waste management;

WHEREAS, the Department of Environment and Natural Resources (DENR) is the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources.

NOW, THEREFORE, I, FIDEL V. RAMOS, by virtue of the powers vested in me by law, do hereby order:

Section 1. There is hereby created a Project Management Office on Solid Waste Management under the Presidential Task Force on Waste Management, with the Department of Environment and Natural Resources as the lead executing agency.

Sec. 2. The Project Management Office shall have the following functions and responsibilities:

- a. Formulate an integrated national systems framework on solid waste management as well as the criteria/guidelines in the preparation of local waste management plans;
- b. Formulate specific strategies and plans for the efficient, effective and economic implementation of the Solid Waste Management Framework;
- c. Formulate standards, systems and procedures for the management and operation of transfer stations and sanitary landfills;
- d. Provide technical assistance in the construction and site development of transfer stations and sanitary landfills;
- e. Collect, manage and maintain relevant technical information and database pertaining to all aspects of solid waste generation, collection, reuse and disposal;
- f. Formulate and implement an information, education and communication plan to increase public awareness, understanding, appreciation and acceptance of new solid waste disposal facilities thereby improving the solid waste management system;
- g. Formulate and conduct appropriate community relation programs in the vicinity of the sites of the sanitary landfills and transfer stations to inform and educate the communities on the benefits and the environmental safety features of the facilities and to allay fears of the perceived hazards and negative effects of the facilities;

- h. Identify community needs which may be addressed as part of the development of sites such as infrastructure, utilities and other services which can improve the communities and foster support for the solid waste disposal facilities;
- i. Facilitate site acquisition process by encouraging community consultations and participation;
- j. Formulate an appropriate cost recovery system for disposal facilities to ensure that these facilities shall be financially viable;
- k. Hire and develop qualified staff for the various aspects of solid waste management;
- l. Accept foreign grants and donations;
- m. Draft a bill creating the Waste Management Authority which shall handle all matters on waste management;
- n. Prepare a capability building program for local government units in relation to their solid waste management programs/projects;
- o. Develop and prescribe procedures for the issuance of the appropriate permits and clearances on the operation and maintenance of solid waste facilities;
- p. Establish a mechanism to ensure compliance with environmental rules and regulations, including the imposition of sanctions for violations;
- q. Evaluate program/project proposals on waste management; and,
- r. Monitor the implementation of programs/projects to ensure compliance with established standards/criteria.

Sec. 3. The Project Management Office shall be based in the Department of Environment and Natural Resources and with the Director of the Environmental Management Bureau of the Department of Environment and Natural Resources serving as concurrent Project Director.

Sec. 4. The Presidential Task Force on Waste Management shall serve as the Policy and Management Board for the Project Management Office on Solid Waste Management.

Sec. 5. The Project Management Office shall exist until such time that the Waste Management Authority has been created.

Sec. 6. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 19th day of October, in the Year of Our Lord, Nineteen Hundred and Ninety Three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 91
INSTITUTIONALIZING THE DEVELOPMENT DIPLOMACY COMMITTEE AND
DESIGNATING MEMBERS THEREOF TO PROMOTE THE COUNTRY TEAM
APPROACH PER EXECUTIVE ORDER NO. 74

WHEREAS, the Philippines 2000 was launched by the President of the Republic of the Philippines to actualize, among others, the vision of global competitiveness;

WHEREAS, to achieve this vision, the various instrumentalities and agencies of the government will have to address international cooperation concerns and global realities with greater responsiveness and teamwork;

WHEREAS, the President has declared diplomacy for development as a central thrust of the country's foreign policy;

WHEREAS, Executive Order No. 74 directed the adoption of the country team approach and the establishment of a Development Diplomacy Committee;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the following:

SECTION 1. INSTITUTIONALIZING OF THE DEVELOPMENT DIPLOMACY COMMITTEE.
A Development Diplomacy Committee is hereby institutionalized, composed of the heads of the following departments:

- | | |
|---|---------------|
| 1. Department of Foreign Affairs | – Chairman |
| 2. Department of Trade and Industry | – Co-Chairman |
| 3. National Economic & Development Authority | – Member |
| 4. National Security Council | – Member |
| 5. Department of National Defense | – Member |
| 6. Department of Finance | – Member |
| 7. Department of Labor & Employment | – Member |
| 8. Department of Agriculture | – Member |
| 9. Department of Tourism | – Member |
| 10. Department of Justice | – Member |
| 11. Department of Interior & Local Government | – Member |
| 12. Department of Science & Technology | – Member |

SEC. 2. DEVELOPMENT DIPLOMACY SUB-COMMITTEE. The Development Diplomacy Committee shall be assisted by the following sub-committees, which shall be chaired by the Department of Foreign Affairs and co-chaired by the agencies indicated hereunder:

- | | |
|-----------------------|--------------------------------------|
| 1. Political/Security | – Department of National Defense |
| 2. Economic | – Department of Trade and Industry |
| 3. Social | – Department of Labor and Employment |

The agency composition of each sub-committee shall be determined by the Development Diplomacy Committee on the basis of the functional thrusts and jurisdictional concern of the various government agencies.

For purposes of representation, all department heads concerned shall designate an undersecretary who shall serve as the permanent agency representative to the sub-committee/s in which his agency is a member.

Representatives from other government agencies and/or the business/private sector, media, fraternal, veterans, and other organizations may be invited to participate in the Committee or sub-committee/s.

SEC. 3. FUNCTIONS OF THE DEVELOPMENT DIPLOMACY COMMITTEE AND ITS SUB-COMMITTEES. The Development Diplomacy Committee shall function as provided for in Executive Order No. 74. As such, it shall provide direction, guidance, and support in the formulation of work programmes of the various country teams based abroad.

The sub-committees identified herein, on the other hand, shall ensure the formulation of work programs in pursuit of the country team approach. The sub-committees shall also promote inter-agency networking and coordination for purposes of harnessing the country team strategies, which may be developed to promote the actualization of various agency mission and objectives.

The Development Diplomacy Committee shall define the general functional framework of the various sub-committees.

SEC. 4. FREQUENCY OF MEETINGS. The Development Diplomacy Committee shall meet at least twice a year to discuss development diplomacy concerns and specific programs, which shall be pursued under the country team approach, and to evaluate the implementation of the work programmes of the foreign service posts. The three sub-committees shall meet every quarter to approve the work programmes of foreign service posts and to assess their implementation.

SEC. 5. SECRETARIAT. The Department of Foreign Affairs shall provide secretariat support to the Development Diplomacy Committee. It may call on any agency of the government to provide the necessary assistance in the extension of technical support to the Development Diplomacy Committee.

The Secretariat for each Sub-Committee, on the other hand, shall be designated from among its member-agencies.

SEC. 6. EFFECTIVITY. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 20th day of October, in the year of Our Lord, nineteen hundred and ninety three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACANANG

ADMINISTRATIVE ORDER NO. 92
CREATING A TASK FORCE TO FORMULATE SHORT- AND LONG-TERM PLANS FOR THE
DEVELOPMENT OF PAYATAS IN QUEZON CITY

WHEREAS, the Ramos Administration has adopted a vision of development called Philippines 2000.

WHEREAS, the Medium Term Philippine Development Plan, 1993-1998 (MTPDP) approved by the National Economic and Development Authority (NEDA) Board, shall be the basis for all development activities of the government during said Plan Period;

WHEREAS, Payatas 2000 envisions to promote an accelerated development consistent with the concept of sustainable development, hence, the need to create a body that shall formulate short-term, medium-term and long-term plans for the area and address relevant issues such as the closure of the Payatas dumpsite and incorporating the new disposal system of the area into the overall Solid Waste Management Program for Metro Manila;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. **Creation of a Task Force on Payatas.** There is hereby created a Task Force on Payatas.

Section 2. **Duties and Responsibilities.** The Task Force shall undertake, among others, the following duties and responsibilities:

- a. To formulate short-term, medium term and long-term plans, strategies, programs and projects for Payatas, in Quezon City, particularly for the Payatas dumpsite, in coordination with the Quezon City government, pertinent government agencies and legislators, if necessary, based on the existing priorities of the government.
- b. To come up with the final development plan for Payatas and submit the same to the President for approval.
- c. To coordinate with national line agencies on programs/projects implementation.
- d. To recommend to the President matters necessary for the development of Payatas.

Section 3. **Composition.** The Task Force shall be composed of the Heads of the following agencies:

NCR-CORD

Chairman

Members:

Quezon City Government

Metro Manila Authority

Department of Public Works and Highways

Department of Environment and Natural Resources

Presidential Commission on Urban Poor

Housing and Urban Development Coordinating Council
Presidential Task Force on Waste Management
Other concerned agencies, non-government agencies and the private sector

Section 4. **Technical and Administrative Support.** The Quezon City government shall provide technical and administrative support to the Task Force. Whenever it is deemed necessary, the Task Force, through the Chairman, may tap the assistance of other government agencies, private/civic organizations and concerned members of Congress, for the furtherance of its mandate.

Section 5. **Submission of the Final Report.** The Task Force is hereby given until December 1, 1993 to submit the final development plan for Payatas to the President.

Section 6. **Budget.** There is no additional budget outlay appropriated on account of the creation of this Task Force. The Chairman and its member-agencies shall perform their respective activities as part of their normal and relevant functions without additional compensation for their designated representatives.

Section 7. **Effectivity.** This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 20th of October, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 93

DISMISSING FROM THE SERVICE, WITH FORFEITURE OF RETIREMENT AND OTHER BENEFITS, NICANOR P. JACINTO III, CHAIRMAN OF THE PHILIPPINE RACING COMMISSION, FOR GRAVE MISCONDUCT, NEGLECT OF DUTY, INEFFICIENCY AND INCOMPETENCE IN THE PERFORMANCE OF OFFICIAL DUTIES, AND CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE

This pertains to the administrative charge against Nicanor P. Jacinto III, Chairman of the Philippine Racing Commission (hereinafter, “Philracom”), for grave misconduct, neglect of duty, inefficiency and incompetence in the performance of official duties, and conduct prejudicial to the best interest of the service.

Respondent Nicanor Jacinto III was preventively suspended for a period of ninety (90) days, under a Memorandum dated 12 May 1993, signed by the Chief Presidential Legal Counsel, on the basis of the Report of the Fact-Finding Committee (hereinafter, “Fact-Finding Committee”) created pursuant to Memorandum Order No. 125 dated March 20, 1993, which was tasked to investigate, and submit its report and findings to the President on, certain reported anomalies within the Philracom involving, among others, the alleged mishandling of declaration fees and prizes of the day collection (hereinafter, “Declaration Fund”), and prize-switching.

Respondent Jacinto was informed that the Philracom Investigating Committee (hereinafter, “Committee”) created pursuant to Memorandum Order No. 130 dated May 12, 1993, which was tasked with the investigation of the charges levelled against certain officials and employees of the Philracom, will investigate the administrative charges levelled against him; that he was required to submit to the Committee his verified Answer to said charges within ten (10) days therefrom; and, that his failure to do so will be construed as a waiver on his part to submit an Answer or to be heard, in which case the Committee shall deem the case submitted on the basis of the aforementioned report and other documents at hand.

On 4 June 1993, Respondent Jacinto was served, through counsel, with a notice of hearing scheduled on 14 June 1993.

In his Answer filed, through counsel, on 11 June 1993, Respondent Jacinto denied all the charges preferred against him and in support thereof he alleged that the Declaration Fund are not public funds, but are private funds; that, assuming arguendo that such Fund is public in character, his acts should be considered as having been done in good faith; and that, since the persons who allegedly witnessed the alleged switching of prizes in the 13 September 1992 PCSO Sweepstakes and PCSO Sponsored Stakes Races have not filed a complaint, Respondent Jacinto should not be called upon to respond thereto.

The Declaration Fund consists of the declaration fees paid by horseowners as a guarantee or commitment of their horses’ actual participation in a particular race. Between January 1986 to October 1992, it is estimated that the two racing clubs, Manila Jockey Club, Inc. and Philippine Racing Club, Inc., collected revenues covering declaration fees/prizes of the day in the amount of P16.4 Million.

The issues having been joined, the Committee conducted a series of hearings to receive the evidence of both the prosecution and Respondent Jacinto.

At the 14 June 1993 hearing, the ground rules for the hearings of the administrative case were adopted, upon agreement of the parties. The next hearing was set on 24 June 1993.

At the 24 June 1993 hearing, Respondent Jacinto's counsel was furnished with a copy of the Affidavit of Rafael R. Lagos, Chairman of the Fact-Finding Committee.

On 25 June 1993, the Prosecution presented Rafael R. Lagos as its lone witness; but due to lack of material time, the presentation of the Prosecution's evidence was not finished. It was continued and terminated on 1 July 1993.

In the said 1 July 1993 hearing, the Prosecution made its verbal Formal Offer of Evidence -- to which offer of evidence, Respondent Jacinto's Counsel made a verbal manifestation that he will file a written formal Opposition thereto.

The Prosecution presented the following evidence:

- | | |
|----------------|--|
| 1. Exhibit "A" | – Affidavit of Atty. Lagos |
| 2. Exhibit "B" | – The Fact-Finding Committee Report |
| 3. Exhibit "C" | – Transcripts of proceedings conducted by the Fact-Finding Committee |
| 4. Exhibit "D" | – Details of the disbursements made against the Declaration Fund |
| 5. Exhibit "E" | – Philracom Position Paper and its sub-markings |

On 6 July 1993, Respondent Jacinto filed before the Committee his Opposition to the Prosecution's Formal Offer of Evidence alleging that the evidence offered by the Prosecution is hearsay and self-serving because its witness had no personal knowledge of the facts stated in his Affidavit considering that he learned the same only from statements given him by third persons who were not even presented or cross-examined by the former during the Committee proceedings.

On 9 July 1993, the Committee issued an Order admitting the Prosecution's Offer of Evidence.

On 14 July 1993, Respondent Jacinto filed a Motion for Reconsideration of the aforesaid Order, claiming that the admission of the Prosecution's evidence is tantamount to depriving him of his right to cross-examine the witnesses against him thereby violating his constitutional right to due process. Respondent Jacinto reiterated his claim that the Affidavit of Rafael Lagos cannot be admitted in evidence because it is self-serving and its contents are hearsay.

On 19 July 1993, the aforesaid Motion for Reconsideration was denied by the Committee for lack of merit.

On 21 July 1993, Respondent Jacinto filed a Special Civil Action for Certiorari with a prayer for a writ of preliminary injunction and restraining order before the Regional Trial Court of Manila, Branch VI, docketed therein as SP No. 93-66841.

On 22 July 1993, the aforesaid Regional Trial Court issued a restraining Order thereby temporarily restraining/enjoining the Chairman and members, as well as the Prosecutor, of the Committee from proceeding in any way with Administrative Case Nos. 010-93 and 020-93 until the Court will have determined whether or not a writ of preliminary injunction will be issued.

On 11 October 1993, after the lapse of the TRO, the Committee issued an order setting the instant case for another hearing on 15 October 1993, 2:30 P.M. at which time Respondent Jacinto was directed to submit his position paper/sworn statement, in lieu of his direct testimony. But at said scheduled hearing, instead of complying with the Committee's order as contained in the Notice

of Hearing dated 11 October 1993, Respondent Jacinto, through counsel, merely requested for the deferment of the hearing until after the injunction case is resolved.

Said request was vigorously opposed by the Prosecution on the ground that Respondent Jacinto has violated the status quo by his announced assumption into office at the Philracom last 22 September 1993, as well as the previous agreement of the parties that “upon resumption of hearing, no further request for extension/resetting shall be entertained by the Investigating Committee.”

Finding merit in the Opposition of the Prosecution, the Committee considered the case submitted for resolution.

This Office agrees with the findings of the Committee, with respect to the procedural matters, as follows:

“1. Respondent Jacinto’s allegation that he has been denied his constitutional right to due process -- particularly the right to cross-examine the witnesses against him, is baseless and unfounded.

“2. On the contrary, Respondent Jacinto was adequately afforded his right to due process. He was always notified of the hearings conducted by the Committee. He was also given every opportunity to defend himself, present his controverting evidence, and cross-examine the witnesses against him.

“3. If Respondent Jacinto failed to present his side, he has only himself to blame.

“During the hearings conducted by the Committee, Respondent Jacinto has always been represented by counsel. He has all the chances to confront and cross-examine the witnesses against him. This, he or his counsel did not do. Instead, Respondent Jacinto’s counsel merely kept on harping about the inadmissibility of Chairman Lagos’ testimony allegedly for being hearsay and self-serving.

“4. But well established is the rule that all that due process requires is an opportunity to be heard (U.P. Board of Regents V. Auditor General, 30 SCRA 5), for the essence of due process is simply an opportunity to be heard or as applied in administrative proceedings, an opportunity to explain one’s side or an opportunity to seek a reconsideration of the action or ruling complained of (PLDT V. NLRC, 175 SCRA) (underscoring supplied).

“Similarly, it was held that there was no denial of due process where petitioner had many opportunities and had been afforded adequate hearing to argue his case (Pulido V. Lazaro, 158 SCRA 107).

“5. Anent the claimed inadmissibility of Chairman Lagos’ testimony for being allegedly hearsay and self-serving, it is well settled that hearsay evidence is generally held admissible in administrative proceedings, at least for limited purposes. It may be used for the purpose of supplementing or explaining any direct evidence (2 Am. Jur. 2d 189).

“6. Moreover, the reception of hearsay evidence incompetent in judicial proceedings does not necessarily deny a fair hearing or vitiate the proceedings or invalidate an Order (Idem., p. 190).”

This Office further agrees with the findings of the Committee with respect to substantive matters as follows:

“1. Respondent Jacinto admits that indeed he made or authorized several withdrawals and disbursements from the Declaration Fund (pp. 7-9, TSN, 2 April 1993; Fact-Finding Committee).

“2. But he denies any liability for said withdrawals and disbursements arguing that aforesaid Declaration Fund is a private, not public, fund considering that by practice it has been treated as “private fund” since the time of then Philracom Chairman Nemesio Yabut who issued a Resolution, dated 7 August 1979, declaring that part of said Fund may be made payable to the Racing Clubs; that said practice was known and accepted by the COA, through its resident Auditor (State Auditor Melecio Aguirre), and; that said Fund is owned by the Racing Clubs -- only their disbursements were coursed through Philracom.

“3. Respondent Jacinto’s categorization of the Declaration Fund as a private fund, is erroneous and misleading.

“4. The Philracom Declaration Fund is in law “public or government fund” inasmuch as “government funds includes public money of every sort and other resources pertaining to any agency of the government” (Sec. 3(2), PD No. 1445; 1 Sec. 2(2), Title 1(B), Book V, 1987 Administrative Code (underscoring supplied).

“5. Since the Philracom is an “agency of the government” -- it is an agency directly under the Office of the President for administrative supervision, all its “resources” are public or government funds especially in the absence of a provision in its Charter authorizing the establishment of any other kind of funds, e.g. revolving fund, special fund, etc.

“6. Furthermore, the characterization of said Declaration Fund as public fund has been made earlier by Philracom’s first Chairman, Eduardo Cojuangco, Jr. (1974-78), who remitted the amounts collected therefrom to the National Treasury as part of its revenue.

“7. Contrary to Respondent Jacinto’s gratuitous claim that “there was no law or regulation categorically stating that said fund is public fund”, P.D. 1445, particularly Sec. 3(2) thereof, promulgated on 11 June 1978, explicitly classified the aforesaid Fund as a public or government fund.

“8. Respondent Jacinto’s reliance on the 7 August 1979 Resolution as the basis of the withdrawals and disbursements made or authorized from the Declaration Fund and his allegation that said Fund should be treated as a private fund, is misplaced and of no comment.

“The only disbursements authorized from the aforesaid Declaration Fund, by Board Resolution No. 79, were for the following exclusive purposes:

1. Publicity of Philracom-organized stakes races;
2. Expenses for seminars and/or clinics organized by the Philracom for racing stewards, jockeys, horse trainers and/or horse owners;
3. Establishment of a School for Jockeys;
4. Such other similar projects which the Philracom may from time to time authorize.

“Nowhere in the aforesaid Resolution is there mention about the Fund being a private fund.

“Moreover, even granting that said Resolution in fact legally converted part of the Fund from public to private, still the withdrawals and disbursements made were in fact violative of the same Resolution, for payment of salaries and allowances to the Board of Stewards and Board of Judges; bonuses to Philracom officers and employees, purchases of certain Philracom supplies and equipment, etc. are not included in the above enumeration.

“9. Respondent Jacinto’s assertion that COAs knew and accepted “their” classification of the Declaration Fund as a private fund, is devoid of merit.

“It was only on 11 January 1993 when COA issued its official statement on the subject, in reply to the request of the Chairman of the House Committee on Games and Amusement for a legal opinion on the nature of the aforesaid Fund. And COA’s categorical position is that the Declaration Funds is public, not private.

“But the questioned withdrawals and disbursements made or authorized by Respondent Jacinto occurred as early as March 1990, when the latter was appointed Chairman of Philracom.

“10. Similarly, Respondent Jacinto’s allegation that State Auditor Melecio Aguirre admitted the “private” character of the Fund, is without basis.

“What Auditor Aguirre admitted is just the “claims and insistence” by the Philracom and the Racing Clubs that the said Fund is private, hence, he was not able to audit it (Exh. “E” - 28, p. 12. TSN, March 31, 1993, Fact-Finding Committee)

“11. Respondent Jacinto’s claim that the Declaration Fund is owned by the Racing Clubs, hence, private fund, deserves scant consideration.

“The Racing Clubs themselves, through their respective presidents, admit that they have “no say in the funds” and the one “who owns the funds and disburse them” is Philracom, (pp. 6; 11, TSN, March 31, 1993, Fact-Finding Committee).

“Moreover, the Fund is “disbursable” for Philracom purposes only (vide, Board Resolution No. 79, *supra*).

“The only reason why said Fund remained in the hands of the Racing Clubs is precisely because of the aforequoted Board Resolution which authorized the Racing Clubs to retain and even spend it but only for any of the four (4) specific purposes enumerated thereunder.

“12. Neither can Respondent Jacinto escape any liability for the switching of prizes in the 13 September 1992 PCSO sweepstakes and PCSO sponsored stakes races simply because not one of the persons who may have witnessed the irregularity has filed a complaint.

“With or without any complaint, Respondent Jacinto should be held liable -- if his culpability on this charge is proven.

“However, his direct participation or conspiracy in the switching of prizes during the aforesaid event has not been clearly established.

“But his omission, as the Chairman of Philracom, and his failure to stop the commission of this patent irregularity during an event he himself personally witnessed and wherein his horse participated, amount to neglect of duty, and inefficiency and incompetence in the performance of official duties”.

Based on the foregoing, this Office finds Respondent Nicanor P. Jacinto III GUILTY of grave misconduct, neglect of duty, inefficiency and incompetence in the performance of official duties, and conduct prejudicial to the best interest of the service.

WHEREFORE, premises considered, Nicanor P. Jacinto III is hereby DISMISSED from the government service with forfeiture of retirement and other benefits.

DONE in the City of Manila, this 6th day of November, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 94
CREATING AN AD-HOC COMMITTEE TO INVESTIGATE THE
ADMINISTRATIVE COMPLAINTS FILED AGAINST CERTAIN ELECTIVE LOCAL OFFICIALS
OF THE PROVINCE OF ALBAY, ARISING FROM SPECIAL AUDIT OFFICE REPORT
NO. 93-11 OF THE COMMISSION ON AUDIT (COA), AND OTHER ADMINISTRATIVE
COMPLAINTS MENTIONED HEREIN

WHEREAS, Section 61 of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”, provides that a complaint against any local elective official of a province shall be filed with the Office of the President;

WHEREAS, Section 2, Rule 1 of Administrative Order No. 23 dated 17 December 1992 entitled “Prescribing the Rules and Procedures on the Investigation of Administrative Disciplinary Cases Against Elective Local Officials of Provinces, Highly Urbanized Cities, Independent Component Cities, Component Cities, and Cities and Municipalities in Metropolitan Manila” provides that “(a) All administrative complaints, duly verified, against elective local officials mentioned in the preceding Section shall be acted upon by the President. The President, who may act through the Executive Secretary, shall hereinafter be referred to as the “Disciplinary Authority”;

WHEREAS, Special Audit Office (“SAO”) Report No. 93-11 was submitted by COA Chairman Pascasio S. Banaria to the Secretary of the Interior and Local Government in a letter dated 20 August 1993;

WHEREAS, as a result of SAO Report No. 93-11, several administrative complaints were filed against certain local elective officials of Albay Province which are under the disciplinary authority of the Office of the President;

WHEREAS, there are other administrative complaints which should be looked into and which may be investigated by this Office;

WHEREAS, pertinent aspects of SAO Report No. 93-11 has made mention of matters alleged and complained of in the case of “Mayor Naomi C. Corral versus Governor Romeo Salalima et al.”, for: malversation, consistent and habitual violation of R.A. No. 7160, Section 60 (c) and (d), docketed as DILG Case No. P-11-93;

WHEREAS, DILG Case No. P-11-93 was filed prior to the release of SAO Report No. 93-11 and the latter is now one of the bases of the administrative charges mentioned herein;

WHEREAS, investigation of DILG Case No. P-11-93 has not yet commenced, and may accordingly be taken cognizance of the Investigating Committee herein created; and

WHEREAS, the magnitude and seriousness of the administrative complaints require the particular attention of this Office to ensure their speedy and judicious resolution.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. An Ad-Hoc Committee to investigate the administrative complaints against certain elective local officials of the Province of Albay, arising from the Special Commission on Audit Report

(Special Audit Office Report No. 93-11), and other administrative complaints mentioned hereinbelow, is hereby created and constituted.

Section 2. The Committee herein created is hereby designated as the Investigating Authority, as an exception, in this particular case, to Section 3, Rule 1 of Administrative Order No. 23 dated 17 December 1992, and shall be referred to as the “Investigating Committee”.

Section 3. The Investigating Committee shall be composed of the following:

Alexander P. Aguirre Undersecretary Department of the Interior and Local Government	– Chairman
Angel V. Saldivar Presidential Assistant for Public Administration	– Member
Stephen F. Sergio Director IV Office of the Sr. Deputy Executive Secretary	– Member

Section 4. The Investigating Committee shall investigate the administrative charges against certain elective local officials of the Province of Albay, arising from COA Special Audit Office Report No. 93-11 on the Province of Albay, as well as the other administrative complaints filed with the Office of the President, listed herein below:

- a. Mayor Naomi C. Corral vs. Governor Romeo Salalima, et al., For: Abuse of Authority and Oppression under R.A. No. 7160, Sec. 60 (c);
- b. Mayor Naomi C. Corral vs. Governor Romeo Salalima, et al., For: Malversation, consistent and habitual violation of R.A. No. 7160, Section 60 (c) and (d);
- c. Kgd. Francisco Alarte, et al. vs. Governor Romeo Salalima, et al., For: Violation of R.A. No. 3019, Section 3 (g) and R.A. No. 7160, Section 60 (d);
- d. Antonio O. Demetriou vs. Governor Romeo Salalima, For: Violation of R.A. No. 7160, Section 60 (c) and (d).

Section 5. In accordance with Section 1, Rule 5 of Administrative Order No. 23, the complaints and the answers together with their attachments and other relevant papers shall be referred by this Office to the Investigating Committee which shall commence the preliminary investigation of the case within ten (10) days from receipt of the same.

Section 6. In accordance with Section 3, Rule 5 of Administrative Order No. 23, within twenty (20) days from receipt of the complaints and answers, the Investigating Committee shall determine whether or not there is a prima facie case to warrant the institution of formal administrative proceedings.

Section 7. The records, proceedings and investigation of the case of Mayor Naomi C. Corral versus Governor Romeo Salalima et al., For: Malversation, consistent and habitual violation of R.A. No. 7160, Sec. 60 (c) and (d), and docketed as DILG Case No. P-11-93 shall be turned-over to the Investigating Committee herein created.

Section 8. The formal administrative investigation shall be conducted by the Investigating Committee.

Section 9. Preventive suspension, if warranted, shall be in accordance with Section 63 of the Local Government Code of 1991.

Section 10. Copies of all the Complaints, Answers and pertinent documents shall be furnished the Department of the Interior and Local Government.

Section 11. Except as herein provided, the Investigating Committee shall follow the procedure prescribed under Section 62 to 65 of the 1991 Local Government Code, as well as the corresponding Implementing Rules and Regulations thereon, in relation to Book VII, Chapter 3, Section 10 and 13, of the 1987 Administrative Code, as implemented by Executive Order No. 26, dated 7 October 1992, prescribing procedures and sanctions to ensure speedy disposition of administrative cases, and Administrative Order No. 23, dated 17 December 1992.

Section 12. The investigation of the administrative complaints stated in this Administrative Order shall be terminated by the Investigating Committee within ninety (90) days from the start thereof.

Section 13. The Investigating Committee shall, within twenty (20) days after receipt of the last pleading and evidence, if any, in case the respondents do not elect formal investigation; or after the expiration of the period within which to submit the same; or after the termination of the formal investigation; or after the parties have submitted their respective memoranda, if so allowed; forward to the Disciplining Authority the entire records of the case, together with its findings and recommendations; as well as the draft decision for the consideration of the President.

Section 14. Other administrative complaints which may be subsequently filed against the respondents, as adverted to in Section 4 hereof, which this Office shall deem appropriate to be investigated may be referred to the Investigating Committee for its appropriate action.

Section 15. The record of the cases herein referred to shall be forwarded to the Investigating Committee for appropriate action.

Section 16. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 26th day of November, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **TEOFISTO T. GUINGONA, JR.**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1993). [*Administrative Order Nos.: 1 - 100*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 95
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE
OF ALL THE BENEFITS UNDER THE LAW OF RIZAL ASSISTANT PROVINCIAL
PROSECUTOR DONATO SOR SUYAT

This refers to the administrative complaint filed by the National Bureau of Investigation against 2nd Asst. Provincial Prosecutor **DONATO SOR SUYAT** of Rizal for grave misconduct in demanding and receiving ₱15,000.00 in exchange for a favorable resolution in a robbery case.

The record shows that a criminal complaint for robbery with the use of force upon things was filed by the Cainta police against Randy and Nelson Torres, Marlon Bonson and Bernardo Bautista on May 24, 1993 before the inquest prosecutor, Nestor Gapusan, for robbing the residence of a certain Atty. Reynaldo Bautista at Greenpark Village, Cainta, Rizal. During the inquest, one of the suspects, Bernardo Bautista admitted to have committed the offense alone and exonerated the three (3) other suspects. Despite Bautista's admission, the inquest prosecutor recommended that a preliminary investigation be conducted. Since all the accused signed a waiver of detention, they were detained in the provincial jail pending the termination of the preliminary investigation.

Imelda Torres, mother of suspects Randy and Nelson and also the aunt of suspect Marlon Bonson, narrated that on June 8, 1993, she followed up the case with the Prosecutor's Office of Rizal. She was told that the record of the case was forwarded to Prosecutor Suyat, who was the Reviewing Prosecutor on inquest cases. She was able to talk to Prosecutor Suyat who initially demanded ₱20,000.00 for the dropping of the case against her two (2) sons and nephew. Prosecutor Suyat explained that if an information is filed against the suspects, she would have to pay a cash bond of ₱8,000.00 for each of the accused, the total of which is higher than the ₱20,000.00 demanded. She was able to bargain for ₱15,000.00 which Prosecutor Suyat demanded to be given in his office the following day on June 9, 1993 at 3:00 in the afternoon. After leaving Prosecutor Suyat's office, she immediately consulted her lawyer, Atty. Mariano Santiago, the former Chief of the Land Transportation Office. Atty. Santiago referred her to the Anti-Organized Crime Division (AOCD) of the NBI for assistance. The Chief of the AOCD, Atty. Artemio Sacaguing, ordered Special Agent Mar Panganiban to form a team for the purpose of entrapping the subject.

On June 9, 1993, at about 3:00 in the afternoon, Imelda Torres further stated that she, together with her daughter Mildred, went to the office of Prosecutor Suyat. The latter told them that the papers were still being typed. They waited until 5:00 in the afternoon on which occasion Prosecutor Suyat gave them the resolution dismissing the robbery case against her two (2) sons and nephew. Prosecutor Suyat told them to come back the following morning for the "release papers" of the accused from detention. Her daughter countered that they would rather give the ₱15,000.00 also on the following day but Prosecutor Suyat told them "kailangan ko na yung pera ngayon, kaya ko nga ginawa yung mga papers na iyan at kung hindi ninyo maibibigay ang pera ngayon ay babawiin ko yung mga papeles na yan at bukas na lang ang lahat". She thus handed to Prosecutor Suyat the envelope containing the ₱15,000.00, all in one-thousand denomination. Thereafter, she and her daughter went out of the office

with her (Imelda) bag under her armpit. This was the pre-arranged signal to the NBI agents that she had already given the money to Prosecutor Suyat.

The testimony of Imelda Torres was substantially corroborated by her daughter Mildred.

NBI Agent Mar Panganiban averred that when Imelda Torres came out of the office of Prosecutor Suyat at about 5:00 in the afternoon of June 9, 1993, she told him, “sir, kinuha na”. His team then entered the office of Prosecutor Suyat. Prosecutor Suyat was with a male companion who later on turned out to be his son Junior. After introducing themselves as agents of the NBI, Prosecutor Suyat put down the envelope he was holding and kept his hand on his pocket. He asked Prosecutor Suyat to count the money in the envelope but the latter refused. This prompted him to count the money himself and found out that it was only ₱9,000.00. Prosecutor Suyat refused to comment on where the rest of the money went. Since Prosecutor Suyat’s son, Junior, was the only other person inside the room at that time, they decided to search him. They found the folded ₱6,000.00 from Junior’s pocket. At this juncture, Prosecutor Suyat whispered to him (Agent Panganiban), “okey na, huwag na nating isama yan, anyway I admit that it came from me”. Prosecutor Suyat was then brought to the NBI and was subjected to forensic chemistry examination. His hands were found positive for fluorescent powder. Prosecutor Suyat opted to remain silent in the NBI office, thus no further questioning was undertaken on him.

Included in the evidence submitted by the NBI were the result of the forensic chemistry examination, photocopies of the marked money, photographs taken during the entrapment operation, joint-affidavit of arresting NBI agents, and booking sheet and arrest, among other things.

For his defense, Prosecutor Suyat denies the accusations against him. He claims that Imelda Torres misinterpreted him as demanding ₱15,000.00 when he advised her to get ready with the cash bond in case of an unfavorable resolution in the robbery case; that he did not receive the ₱15,000.00 from Imelda Torres and that he was found positive of fluorescent powder because Agent Panganiban told him to count the money in the envelope; that it is not true that his son was involved as shown by the NBI report which did not mention anything about his son; that there was no sense in demanding money because he had already favorably acted on the resolution in question; and that this administrative complaint was filed by Imelda Torres in retaliation for the detention of her sons and nephew.

After a careful evaluation of the record of the case, the Secretary of Justice finds Prosecutor Suyat liable for grave misconduct and recommends his dismissal from the service with forfeiture of benefits under the law.

I concur with the findings of the Secretary of Justice.

Prosecutor Suyat failed to controvert the positive assertions of Imelda Torres and the NBI agents. The result of the forensic chemistry examination clearly shows that he handled the marked money which only proves that indeed, he extorted and received money from Imelda Torres in exchange for a favorable resolution. Worst, part of the money in the amount of ₱6,000.00 was taken from his son Junior as evidenced by a photograph (Exh. “I-3”) submitted by the NBI whereby the folded money in question was being taken out of the back-pocket of the short pants of Junior. Thus, I find credence on the explanation of NBI Agent Mar Panganiban that the son of Prosecutor Suyat was not included in the complaint precisely on the request of Prosecutor Suyat to spare his son considering that he (Suyat) would anyway admit that the full amount of ₱15,000.00 was taken from him.

Prosecutor Suyat’s contention that his hands were found positive for fluorescent powder because he was ordered by NBI Agent Mar Panganiban to count the money after it was found to be lacking in the amount of ₱6,000.00, is indubitably preposterous. His claim cannot prevail over the positive declaration of NBI Agent Panganiban, corroborated by the other witnesses, that Prosecutor Suyat refused to count the money and kept mum as to the whereabouts of the missing ₱6,000.00, which

was later found to be in the possession of his son Junior. It would be inherently inconsistent with human nature or against the natural course of things for Prosecutor Suyat to have obeyed such order of NBI Agent Panganiban. Prosecutor Suyat was definitely already aware of the entrapment operation after he was told by the NBI agents who introduced themselves to him. That was precisely why he refused to touch the money again. Further, he could have protested this alleged actuation of NBI Agent Panganiban after he was found positive for fluorescent powder but he instead opted to remain silent in the NBI office and refused to give any statement during the interrogation thereat. All of these circumstances point to the conclusion that this defense of Prosecutor Suyat was a mere afterthought and designed to exculpate him from liability.

As regards the allegation of Prosecutor Suyat that he could not have demanded the ₱15,000.00 because he had already favorably resolved the robbery case even before Imelda Torres came to see him on June 8, 1993, suffice it to state that his version blatantly conflicts with his very own admission that it was only a mere recommendation on his part to the inquest prosecutor, Nestor Gapusan, to drop the charges against Imelda Torres' two (2) sons and nephew. As such, there was no final resolution yet to speak of at that time. In fact, when Imelda Torres went back to his office the following day with the ₱15,000.00 as demanded by him, she had to wait for two (2) hours for the typing, finalization and approval of the said resolution. Considering that the recommendation as well as the final resolution was for the dismissal of the case against the two sons and nephew of Imelda Torres, the ₱15,000.00 could neither have been intended to answer for their cash bonds. It was undoubtedly extracted from Imelda Torres in exchange for the favorable resolution.

Prescinding from the facts aforesaid, I find that the dubious character of the acts charged as well as the motivation which induced respondent prosecutor to commit them were clearly demonstrated. It is a patent manifestation, of how he uses his office to serve his nefarious ends which, to our mind, is disgraceful misconduct meriting administrative sanction.

WHEREFORE, premises considered, respondent **DONATO SOR SUYAT**, 2nd Assistant Provincial Prosecutor of Rizal, is hereby found liable for **Grave Misconduct**. Consequently, his dismissal from the service with forfeiture of all benefits under the law is hereby imposed, effective fifteen (15) days after his receipt of a copy of this Order pursuant to Book VII, Section 15, of the Administrative Code of 1987.⁸

Done in the City of Manila, this 26th day of November 1993, in the year of Our Lord, nineteen hundred and ninety three.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **TEOFISTO T. GUINGONA, JR.**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 96

REPRIMANDING AND WARNING FARITA A. CABAZOR, FOREIGN SERVICE OFFICER II, DEPARTMENT OF FOREIGN AFFAIRS, AND SUSTAINING ASSIGNMENT ORDER NO. 34-88, DATED APRIL 8, 1988, REASSIGNING HER FROM THE PHILIPPINE EMBASSY, CANBERRA, AUSTRALIA, TO THE PHILIPPINE EMBASSY, VIENNA, AUSTRIA

This refers to the administrative case against Farita A. Cabazor, Foreign Service Officer II, Department of Foreign Affairs, Manila, for Gross Insubordination by consistently defying Assignment Order No. 34-88, dated April 8, 1988 and Orders dated June 3, 1988, September 13, 1988 and October 17, 1988, and Conduct Prejudicial to the Best Interest of the Service committed as follows:

- “(a) Taking legal action against the Secretary of Foreign Affairs without first exhausting administrative remedies; and
- “(b) Violation of reasonable office rules and regulations.”

On August 5, 1986, Farita A. Cabazor, Foreign Service Officer with the rank of Second Secretary and Consul, was assigned to the Philippine Embassy in Canberra, Australia, under Assignment Order No. 153-06.

On April 29, 1988, Ms. Cabazor received a letter, dated April 11, 1988, addressed to the Philippine Ambassador in Canberra, Australia, directing her transfer to Vienna, Austria, under Assignment Order No. 34-88. Instead of complying with the aforesaid reassignment order, Ms. Cabazor sought a reconsideration of her impending transfer.

On June 3, 1988, then Secretary of Foreign Affairs Raul S. Manglapus reiterated Assignment Order No. 34-88 and directing Ms. Cabazor to immediately comply therewith.

Ms. Cabazor, however, refused to comply with the aforesaid assignment order. Thus, on September 13, 1988, Secretary Manglapus, thru then acting Secretary of Foreign Affairs Jose Ingles, directed her recall to the home office. Accordingly, Assignment Order No. 161-88, dated October 17, 1988, recalling Ms. Cabazor to the home office, was issued. Upon her return, Ms. Cabazor sought reconsideration of her transfer with the Office of the Secretary and the Office of the President. Finding her requests to be unimpressed with merit, the same was denied.

Meanwhile, Ms. Cabazor, this time joined by her husband, filed a petition for mandamus and prohibition with prayer for preliminary mandatory injunction and damages with the Regional Trial Court of Manila on September 19, 1988. Essentially, the petition was anchored on the provisions of Section 6(b) of the Philippine Foreign Service Code of 1983, as follows:

- “(i) The tour of duty of foreign service officer at any post shall be four (4) years commencing on the date of arrival at the post after which he shall be transferred to another foreign post x x x.”

Acting thereon, the Regional Trial Court, Branch 13, National Capital Region, issued a temporary restraining order, dated September 20, 1988, staying for a period of twenty (20) days assignment order No. 34-88. Subsequently, on October 11, 1988, a writ of preliminary injunction was issued restraining Secretary Manglapus and all persons acting for and his behalf from implementing Mrs. Cabazor's order of reassignment.

During the pendency of the case with the RTC, the DFA initially constituted the "Basa Committee" to investigate the administrative charges against her. However, the hearings were provisionally set aside, in view of the restraining order issued by the aforesaid court.

On July 31, 1989, the said court rendered a decision declaring respondent therein (Secretary Manglapus) as bereft of authority to issue Assignment Order No. 34-88 transferring Ms. Cabazor from Canberra, Australia to Vienna, Austria, thereby, declaring the writ of preliminary injunction, dated October 11, 1988, permanent.

Dissatisfied, the DFA appealed the said decision to the Court of Appeals which, on May 28, 1991, dismissed the same on the ground that the issue raised therein had already become moot and academic on account of the expiration of the four-year tenure tour of duty of foreign officer relied upon by Ms. Cabazor. Subsequently, however, the Supreme Court, in G.R. No. 104884, found that Secretary Manglapus did not commit grave abuse of discretion in issuing the questioned reassignment order.

On October 12, 1992, the Basa Committee resumed the investigation of the administrative complaints against respondent Cabazor.

After due hearing, the Basa Committee submitted its Report, dated April 6, 1993, the pertinent portions of which are quoted hereunder as follows:

"1. On the Charge of Gross Insubordination

On 28 April 1988 respondent Cabazor had already served in Canberra for one year and eight months. The evidence disclosed that her transfer to Vienna was ordered by the Secretary guided by his perception of what was his lawful duty and on what was necessary for the good of the service.

The Committee is of the view that the law is found in Section 6, Part B, Title III of Republic Act No. 708, enacted on 5 June 1952, reading as follows:

'Section 6. Assignments and Transfers. – A Foreign Service Officer may be assigned by the Secretary to serve in the Department or in a diplomatic or consular post abroad: Provided, however, that the minimum period during which he may serve in any foreign post shall be one year and the maximum period of four years, except in case of emergency or extraordinary circumstances, in which event he may be transferred from one foreign post to another or to the Department by order of the Secretary without regard to his length of service in his former post.' (Underscoring supplied)

and since respondent had already served the minimum one-year period under the law her reassignment to Vienna was lawful and did not have to be explained or justified by the Secretary or the President. (Santos vs. Macaraig, 10 April 1992, 208 SCRA 74).

Her claim to the so-called ‘mandatory’ tenure of four years in Canberra is untenable and unmeritorious. Respondent has no vested right to the Canberra office since she merely exercises that office for the benefit of the public. There is no such thing as a vested interest to hold public office except perhaps judges and constitutional officers and she is not either. This is so because the exercise of the prerogatives of control, supervision and direction of our foreign service involved executive discretion.

The Committee must take judicial notice of the Supreme Court ruling that indeed Secretary Manglapus committed no grave abuse of discretion in issuing the Order that would have respondent transferred to Vienna (G.R. No. 104884 in *Farita A. Cabazor vs. Hon. Raul S. Manglapus*), promulgated with finality on 26 June 1992.

Foreign Service work by its very nature entails family and personal inconvenience as part of the career package. Officers and employees are bound by that degree of group discipline and control exercised by the Head of Department which perforce contributes to the efficacy of the service.

The Committee found that while respondent may have been inconvenienced by her transfer to Vienna, she must have known that this is a component of the public service she is in. Her transfer to Vienna did not have to be explained and justified to her by the Secretary or by the President of the Philippines.

The presidential prerogative to determine the assignments of the country’s diplomatic personnel is basic and unquestionable. The conduct of Philippine foreign affairs is vested in the President through the Secretary of Foreign Affairs as alter ego of the President. As head of the premier department in our government, he is mandated by law to maintain and strengthen our representation with foreign governments including the Republic of Austria to which he chose respondent Cabazor as the would-be Second Secretary and Consul of the Embassy there in 1988. Foreign service officers and employees abroad represent the national interest and they are at all times under the control and supervision of the President who exercise executive powers in this case through the Secretary.

We found that it took respondent three long years to obey orders issued by the Secretary of Foreign Affairs. This is indicative of willful disobedience and a mind that is insubordinate. Her defiance which took all of three years must not be countenanced. It must be punished.

Of course, the Committee is aware of the fact that respondent has claimed that her non-compliance with the Secretary’s order was made by her upon what she described as lawful grounds and that her availment of the said grounds did not constitute grave insubordination. We believe that her claims have much less to recommend them. Her rights were allowed to be exercised not only on the administrative plain but also in the three-tier levels of the judiciary. These, however, should not interfere with the innate discipline expected of her as a career foreign service officer with the commitment to serve as a good example to foreign service personnel in the junior ranks.

Our view in the Committee is that when a Foreign Service Officer had already served the minimum one-year period of service abroad, her transfer or

reassignment rests entirely in the discretion of the Secretary. The Secretary is not required by any law to explain or justify to the officer concerned why she or he is being transferred. If the rule is otherwise, then we might have a foreign service that will not be able to respond adequately to our vital national interests. If that should come to pass then we will not be worth a centavo as the premier career corps of this country.

Respondent has been proceeded against under the orderly processes of law, and is only punished after full inquiry and investigation. She has not been deprived of any of the grounds which she claimed justify her non-compliance, even defiance, of transfer orders which she obeyed on her own choosing.

2(a) On the Charge of Conduct Prejudicial to the Best Interest of the Service Committed by Taking Legal Action Against the Secretary of Foreign Affairs Without First Exhausting Administrative Remedies.

Those in the public service must act in a manner that improves the image or those who serve in government. They shall contribute to the enhancement of confidence by the taxpayers in their government. Otherwise taxpayers will lose faith in the men and women who are supposed to be the nation's public servants. In fine, foreign service officers shall not do anything that will be perceived by the public as detrimental to the national interest and consequently prejudicial thereto.

Respondent's having taking legal action in court against the Secretary, nominally and lawfully the superior officer who exercises executive control over her, under ordinary circumstances may not be faulted. Not in this case. This is so because she has been repeatedly directed to proceed to her new post in Vienna. She should have obeyed the transfer orders and assumed her public duties in Austria and this she failed to do on the technicality that she has lawful grounds to question superior orders. At the least, this is like using the law to defeat the law because the Secretary as alter ego of the President of the Philippines is mandated by statute to effect deployment or re-deployment of personnel in the foreign service as he may determine necessary.

2(b) On the Charge of Conduct Prejudicial to the Best Interest of the Service Committed through Violation of Reasonable Office Rules and Regulations

This is charge no. 2(b) of the complaint dated 12 May 1989.

On 12 February 1993, the Committee ordered in open court the dismissal of charge no. 2(b) in the interest of constitutional law and justice and upon motion by the respondent on the ground that the requisite bill of particulars on this particular count was not provided the respondent despite reminders from the Committee. The respondent is entitled as a matter of right to know fully the nature and cause of any accusation against her."

The investigating committee in the same report recommended the following:

"In view of the foregoing, the Committee hereby finds the respondent Farita A. Cabazor guilty of gross insubordination and for conduct prejudicial to the

best interest of the service. Accordingly, the Committee recommends that the respondent be suspended without pay for a period of six (6) months and warned that a repetition of the same or similar acts in the future will be dealt with more severely.”

Consequently, the BFSa in a Memorandum of April 21, 1993, recommended in this wise:

“The Board at its meeting on 16 April 1993, sustained the findings of the Investigation Committee that Farita Cabazor is guilty of gross insubordination and conduct prejudicial to the best interest of the service.

“The Committee recommended that Ms. Cabazor be suspended without pay for a period of six (6) months and warned that a repetition of similar acts will be dealt with more severely.”

The Board, however, considered the penalty too harsh considering that this is Ms. Cabazor’s first offense, that she has been left behind in terms of promotion, and during the pendency of the case she performed her duties with competence and dedication.

In view thereof, the Board decided to recommend that penalty of REPRIMAND with a warning that a repetition of similar acts will be dealt with more severely.”

After restudy, I find respondent Cabazor guilty as charged. Respondent’s actuation of openly defying what appears to be a lawful order tend to embarrass her superiors. In this regard, she should be reminded that the Secretary of Foreign Affairs being my alter ego, his acts are presumed to be mine, unless by me reprobated or disapproved. Towards this end, respondent should be exhorted to be more circumspect in the discharge of her duties, and to bear in mind that, as representative of this Republic, she should at all times conduct herself in a manner befitting a public official.

Anent the recommended penalty, I am disposed to be more lenient with respondent, considering that this is her first offense, and that she had performed creditably and efficiently during the pendency of her case. Hence, I fully concur with the recommendation of Secretary Romulo that respondent be reprimanded and severely warned that a repetition of similar acts will be dealt with more severely.

WHEREFORE, respondent FARITA CABAZOR is hereby found guilty as charged and accordingly REPRIMANDED and severely warned that a repetition of like acts will be dealt with more severely.

Done in the City of Manila, this 28th day of NOVEMBER, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 97
IMPOSING A FINE ON FRANCISCO ROMERO, REGISTER OF DEEDS OF KALOOKAN CITY

This refers to the administrative complaint filed by administrator Teodoro G. Bonifacio of the Land Registration Authority (LRA) against Atty. Francisco G. Romero, Register of Deeds of Kalookan City, for Conduct Prejudicial to the Best Interest of the Service.

In his letter of September 22, 1992, the Secretary of Justice, in relation to the above-complaint, submitted his report and recommendation, which reads:

“The show-cause directive dated 21 August 1991, signed by Administrator Teodoro G. Bonifacio of the land Registration Authority charges that Respondent allegedly allowed Ms. Virginia C. Salazar, a former employee, to discharge duties in (your) Registry as custodian of blank title forms without the written consent or approval of this Authority, which resulted in the loss in her possession of seventeen (17) sets of Judicial Forms 109 and 109-D with Serial Nos. 1933454 to 1933470, inclusive, and other land titles and documents.”

“The alleged circumstances surrounding the loss of the aforesaid judicial forms and other documents are narrated by Ms. Salazar in her affidavit dated 25 June 1991, as follows:

‘That on Friday, June 21, 1991, I took along with me for homework Saturday and Sunday some documents and titles in order to relieve me of some backlog; x x x

‘That bad luck intervened as I lose said documents and titles to a dishonest taxi driver who failed to return the documents inspite of return addresses indicated in the documents; x x x (Record, p. 26).

“In his answer dated 2 September 1991, Respondent explains the reasons why he allowed Ms. Salazar to discharge the functions of custodian of blank title forms at the Kalookan City Registry of deeds as follows:

‘Ms. Salazar who enjoyed preferential re-employment status under the reorganization law was extended a new appointment as Land Registration Examiner in the Registry of Deeds of Malabon then stationed also in Caloocan City, effective June 1, 1986. Pending approval of her new appointment, I allowed her to continue performing her duties among which is the custody of blank title forms. I have done this in good faith expecting that in a matter of days her appointment would be approved with retroactive effect.

‘It turned out later from statements made by Ms. Salazar herself and other sources that her appointment papers were mislaid somewhere and steps were taken to have the same reconstituted and submitted anew. I lost track of the matter and because there was no communication from the head office for Ms. Salazar to discontinue her service, she just kept on rendering services in the Registry of Deeds of Kalookan City. I allowed her services mitigated the acute lack of manpower in the Registry.

X X X

‘I have to state in this connection that I do not feel competent to declare the removal of Ms. Salazar from the service. It was a higher authority that admitted her into the service, so also must her removal be from the higher authority. I was neither furnished a copy of the notice supposedly terminating her services nor informed of the impediment to her new appointment. I expected that the matter should have been brought to my attention and probably I could have taken steps towards her relief and separation from the service. She was therefore, in my view, never discharged from the service and consequently she may not be termed a ‘former employee.’ From this perspective no written consent or approval need be secured from the Land Registration Authority for Ms. Salazar to keep custody of blank title-forms. That duty attached to the position she had assumed.

‘Before the loss of the judicial forms, there was no controversy in the Land Registration Authority regarding her employment status. In fact, I had reliable information that Ms. Salazar was slated for appointment to the position of Land Registration Examiner in this Registry (Kaloocan) which would in effect supersede and cure whatever defects or flaws her previous appointment may have.

‘The loss of the judicial forms in her possession supervened and the whole thing just appeared to me as unfortunate. x x x the loss of the forms is the sole responsibility of Ms. Salazar and this she readily admits and promises to make all amends. I allowed her to work under circumstances I found justifiable (Record, pp. 28-30).

“It is not disputed that Ms. Salazar, formerly Special Deputy Registry of Deeds II of Malabon, whose services had been terminated as early as 01 June 1986 pursuant to Executive Order No. 649 (Reorganizing the Land Registration Commission) was still reporting to the said Registry and discharging the functions of her former position as of 27 June 1991, or for a period of five (5) years without authority from the Administrator.

“The sole issue then in this case is whether or not Respondent is administratively liable for allowing Ms. Salazar to report to the Registry and

conduct herself as if she were employee thereof by continuing to perform her former functions of Special Deputy Register of Deeds which resulted in the loss of valuable documents.

“In his transmittal letter dated 8 July 1992, Administrator Bonifacio recommends that Respondent, who is scheduled to retire compulsorily on 8 February 1993 should be found guilty only of negligence and penalized with one (1) month suspension from office without pay.

“There is, however, ample evidence to show that Respondent is liable for conduct grossly prejudicial to the best interest of the service.

“Considering the lapse of an unreasonable length of time that Ms. Salazar had been allowed to ‘work’ at the said registry without an appointment, specifically, for a period of five (5) years, it is hard to believe that Respondent did not know the true status of Ms. Salazar’s employment. It was plain that Ms. Salazar had been terminated during the office-wide reorganization in 1986, as certified to by Atty. Rosalina Alonso, Acting Chief, Personnel Management Division of the Land Registration Authority (Record, p. 15 and TSN, p. 16). It was just as clear that she was never reappointed, despite her and Respondent’s expectations. As admitted by Respondent: ‘I have done this in good faith expecting that in a matter of days her appointment would be approved with retroactive effect.; (Underscoring ours). As it happened, the matter of days turned into years.

“It was Respondent’s primary responsibility as Head of the Registry to supervise his employees and to ensure their compliance with civil service laws, rules and regulations. Respondent cannot avoid this responsibility by simply saying that he ‘lost track of the matter’ or that there was no communication from the head office for Ms. Salazar to discontinue her service. Respondent was not without any recourse or means to directly verify from Central Office. That Respondent did not do so within a period of five (5) years is a highly unusual omission which may no longer be deemed only negligence. It is also quite incredible that Ms. Salazar continued to serve as an employee of the said Registry without compensation for a period of five (5) years, considering that the basis for collecting salary is a duly issued appointment.

“It is easy to see that Respondent favored Ms. Salazar’s continued employment in the Registry. By his admission, he ‘allowed her (to) continue taking custody of blank title forms while waiting for her reappointment so that the continuity of the operation of the registry will not be deferred.’ (TSN, p. 36). He repeatedly affirms faith and trust in Ms. Salazar’s performance of vital office functions, speaking highly of her in terms of efficiency and honesty. (TSN, p. 36) As a result of his biased judgment, he completely ignored the obvious fact that Ms. Salazar had already been separated from the service.

“It is noted that on 20 June 1989, a complaint was filed with the Office of the Ombudsman against Ms. Salazar by Mr. Ariston Paragas. In his letter, Mr. Paragas states: ‘As a citizen, I am requesting that your office verify the activities of a certain Ms. Virginia Salazar in the Registry of Deeds of Caloocan City, who according to reliable information is not even an employee of the said office. x x x’ (Record, p. 19). In reply to the Order dated 22 August 1990 of the Office of the Ombudsman, directing Respondent to explain this matter, Respondent stated that

as far as he was concerned, 'Ms. Salazar is a permanent employee.' This statement is patently false and absolutely without basis.

Respondent further states that he should not be the one to initiate Ms. Salazar's ouster from office. Again, Respondent conveniently forgot that it was no longer necessary to oust Ms. Salazar from the service for the simple reason that she was not in the service.

In passing, it may be relevant to recall that Ms. Salazar whom respondent alleged to be trustworthy as an employee was previously the subject of an administrative case for gross negligence filed in connection with the loss of judicial forms. The decision dated 29 November 1986 on the said case warned Ms. Salazar to be more circumspect in the discharge of her duties.' (Record, p. 42). Notwithstanding her exoneration from the charge of gross negligence in that case, she appears to have a marked propensity to lose valuable office documents in her custody. This evidently belies her alleged trustworthiness.

Under the circumstances, we are convinced that Respondent did willfully and deliberately permit Ms. Salazar to work in the said Registry without proper appointment. His liability stems not from simple negligence but from his conduct grossly prejudicial to the best interest of the service that, he was responsible for the highly anomalous, irregular and illegal perpetual in office of Ms. Salazar which resulted in the loss in her possession of the seventeen (17) sets of Judicial Forms and other land titles and valuable documents.

In view of the foregoing, we recommend that Atty. Francisco G. Romero be found guilty of conduct grossly prejudicial to the best interest of the service with the mitigating circumstance of length of service. We also take note that he is due for compulsory retirement on 8 February 1993. Accordingly, we recommend that, as penalty he should be fined equivalent to his six (6) months' salary pursuant to the provisions of CSC Memorandum Circular No. 30, s. 1989."

After circumspect study, I am in complete accord with the above findings and recommendation of the Secretary of Justice.

It was established that respondent allowed Ms. Virginia C. Salazar, a former employee of the Kalookan City Registry of Deeds, to discharge the duties of custodian of blank title forms, without the written consent of approval of the LRA, resulting in the loss of seventeen (17) sets of Judicial Forms 109 and 109-D with Serial Nos. 1933454 to 1933470, inclusive, and other land titles and documents. By his omission, respondent had not only caused damage to the government but, more importantly, had placed the Office where he works in a bad light, thus casting a dense pall of doubt on his integrity to discharge the functions of his Office. By any standard, respondent had miserably failed to observe the injunctions attached to his Office by allowing a former and without prior authority from the LRA administration. Hence, the penalty recommended by the Secretary of Justice is but proper.

WHEREOF, Atty. Francisco G. Romero is hereby found guilty of Conduct Grossly Prejudicial to the Best Interest of the Service and, as recommended, is hereby meted the penalty of fine equivalent to six (6) months salary, effective upon receipt of copy hereof.

DONE in the City of Manila, this 28th day of **NOVEMBER**, in the year of Our Lord nineteen hundred and ninety three.

(Sgd.) **FIDEL V. RAMOS**

By the President:
(Sgd.) **TEOFISTO T. GUINGONA, JR.**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 98
ESTABLISHING AN INTER-AGENCY COMMITTEE AGAINST PASSPORT IRREGULARITIES

WHEREAS, there is an increasing number of passport irregularities and fraud cases through the methodical manipulation and circumvention of the Philippine passporting system;

WHEREAS, the attention of the Government has been called to the alleged sale of Philippine passports in Hong Kong and China for monetary considerations to facilitate the illegal entry of aliens into the country;

WHEREAS, a significant number of Filipinos overseas who are holders of fraudulent Philippine passports become victims to abuse and maltreatment;

WHEREAS, there is an urgent need for a coordinated and integrated government effort to combat the alarming increase in the cases of passport irregularities and fraud;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Inter-Agency Committee Against Passport Irregularities. An Inter-Agency Committee (hereinafter referred to as “Committee”) Against Passport Irregularities is hereby established, to be composed of the following:

- | | |
|--|-----------------|
| a. Department of Foreign Affairs | – Chairman |
| b. Department of Justice | – Vice-Chairman |
| c. Department of Interior and Local Government | – Member |
| d. Bangko Sentral ng Pilipinas | – Member |
| e. Bureau of Immigration | – Member |
| f. National Bureau of Investigation | – Member |
| g. Philippine National Police | – Member |
| h. Philippine Overseas and Employment Agency | – Member |
| i. National Statistics Office | – Member |

The Chairman, Vice-Chairman and members of the Committee may designate their alternates who shall be senior officials of their respective Departments or agencies, not lower than Director level, to attend Committee meetings.

Section 2. Functions of the Committee. The Committee shall have the following functions:

- Establish the blueprint for achieving a coordinated approach to the problem of passport fraud by defining the roles, obligations and accountabilities of each member department/ agency.
- Collate and review existing passporting procedures, including the redesigning of a tamper-proof passport, and adopt and promulgate implementing guidelines for the effective enhancement of the integrity of the Philippine passport.
- Ensure the proper implementation of established procedures.

- d. Formulate an effective enforcement action against those responsible for passport irregularities and related frauds, and monitor the effectiveness of such enforcement action in preventing and/or stopping such irregularities.
- e. Call on any department, bureau or office of the Government including government-owned and -controlled corporations, to render such assistance as it may need in the discharge of its functions.

Section 3. Report to the President. The Committee shall submit to the President, a quarterly report of its activities, assessments of and recommendations on the campaign against passport irregularities and related fraud.

Section 4. Funding. Subject to the availability of funds, the amount of **ONE MILLION AND FIVE-HUNDRED THOUSAND PESOS (P1,500,000)** is hereby authorized to be set aside from the Contingent Fund of the President. Appropriations for the succeeding years shall be incorporated in the budget proposals of the Department of Foreign Affairs.

Section 5. Effectivity. This Administrative Order shall take effect immediately.

DONE, in the city of Manila, this 28th day of November, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). [*Administrative Order Nos.: 1 - 100*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 99
CLARIFYING PROCEDURES ON FOREIGN CREDIT OPERATIONS OF THE PUBLIC SECTOR

WHEREAS, in order to effect a rational and well-coordinated government borrowing strategy, which would enhance the country's credit standing and credibility abroad, Letter of Instructions (LOI) No. 158, dated January 21, 1974, requires all foreign borrowing proposals of the Government, its agencies, and government financial institutions to be submitted to the Central Bank (now Bangko Sentral) for approval-in-principle by the Monetary Board as to purpose and credit terms, among others, before commencement of actual negotiations;

WHEREAS, there is a need to clarify the timing for submission of borrowing proposals as contemplated therein to ensure faithful and strict compliance therewith, with the end in view of further strengthening the government's negotiating posture;

WHEREAS, Republic Act No. 7653 (the New Central Bank Act) requires the Government, through the Secretary of Finance, as well as its political subdivisions and instrumentalities, to request a written opinion of the Monetary Board on the monetary implications of any credit operation abroad before undertaking the same;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

All government agencies, instrumentalities, political subdivisions, financial institutions and corporations, as well as local governments, shall submit to the Bangko Sentral ng Pilipinas their request for approval-in-principle by the Monetary Board of their foreign borrowings proposals even before issuing a mandate or commitment to foreign funders/arrangers. The request shall include, among others, information on the undertaking/project to be financed, magnitude and timing of funding requirements, indicative terms, as well as timetable/target date for entry into the capital markets.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 28th day of November, in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 100
APPROVING THE IDENTIFICATION AND TRANSFER TO THE BANGKO SENTRAL NG
PILIPINAS OF CERTAIN ASSETS AND LIABILITIES OF THE FORMER
CENTRAL BANK OF THE PHILIPPINES

WHEREAS, Section 132 of Republic Act No. 7653, otherwise known as the New Central Bank Act, provides for the transfer of assets and liabilities of the former Central Bank of the Philippines to the Bangko Sentral ng Pilipinas under terms and conditions therein set forth;

WHEREAS, pursuant to the said Section 132 of Republic Act No. 7653, a Committee comprised of three (3) members of the Monetary Board representing the Governor of the Bangko Sentral ng Pilipinas, the Secretary of Finance and the Secretary of Budget and Management, representing the National Government, and the Chairmen of the Committees on Banks of the Senate and the House of Representatives, shall determine the assets and liabilities of the former Central Bank of the Philippines which may be transferred to or assumed by the Bangko Sentral ng Pilipinas;

WHEREAS, such transfer of certain assets and liabilities from the former Central Bank of the Philippines to the Bangko Sentral ng Pilipinas is one of the acts required by law to make the Bangko Sentral ng Pilipinas fully operational;

WHEREAS, the Committee has determined the assets and liabilities which shall be retained by the Central Bank of the Philippines and the assets and liabilities to be transferred to or assumed by the Bangko Sentral ng Pilipinas;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, do hereby approve the following:

1. The Identification of and transfer to the Bangko Sentral ng Pilipinas, of certain assets of the former Central Bank of the Philippines, enumerated in the report of the Committee of Seven created under Republic Act No. 7653, including the balance sheets, annexes and schedules, consisting of fifty (50) pages hereto attached and made an integral part hereof;
2. The assumption by the Bangko Sentral ng Pilipinas of certain liabilities of the former Central Bank of the Philippines consisting of deposits, borrowings and other liabilities enumerated in the attached balance sheets, annexes and schedules, herein before mentioned.

The transfer of assets and liabilities from the former Central Bank of the Philippines to the Bangko Sentral ng Pilipinas shall take effect as of July 3, 1993. The transfer of assets and liabilities shall be audited by the Commission on Audit in accordance with accounting and auditing rules and regulations.

DONE, in the City of Manila, Philippines, this 30th day of November, in the Year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 1 - 100]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 101

**DISMISSING FROM THE SERVICE, WITH FORFEITURE OF HIS LEAVE CREDITS AND
RETIREMENT BENEFITS, AQUILINO T. LARIN, ASSISTANT COMMISSIONER OF THE
BUREAU OF INTERNAL REVENUE, AND HIS DISQUALIFICATION FOR REAPPOINTMENT
IN THE GOVERNMENT SERVICE, FOR GRAVE MISCONDUCT**

This pertains to the administrative charge against Assistant Commissioner Aquilino T. LARIN of the Bureau of Internal Revenue, for grave misconduct by virtue of a Memorandum signed by Acting Secretary Leung of the Department of Finance, on the basis of a Decision handed down by the Hon. Sandiganbayan convicting LARIN, et al. in Criminal Case Nos. 14208 and 14209.

Acting on the aforecited Memorandum, the Senior Deputy Executive Secretary, by authority of the President, issued Memorandum Order No. 164 creating a Committee to investigate the administrative complaint against him, Assistant Commissioner of the Bureau of Internal Revenue, with powers to summon witnesses, take testimony or evidence relevant to the investigation, conduct the investigation in the most expeditious manner, terminate the same as soon as practicable and thereafter submit its report and recommendation to the President not later than Ninety (90) days from issuance of the Order (25 August 1993).

On 17 September 1993, the Chairman of the Investigation Committee directed LARIN to file his position paper on the aforementioned charge and failing which he shall be considered to have waived his right to be heard.

In his Position Paper submitted on 30 September 1993, LARIN refused “to comment on the merits of the issues involved” allegedly in deference to the “sub-judice” doctrine. He instead argued that any administrative complaint against him is already allegedly barred based on the following:

- (a) While the Administrative Code provides for the procedures in administrative cases against non-presidential appointees, no such provisions for presidential appointees in the Career Executive Service exist;
- (b) Under Republic Act 6770 (Ombudsman Law) only the Ombudsman has jurisdiction to investigate cases cognizable by the Sandiganbayan. In the instant case, the Ombudsman has already taken cognizance of and assumed jurisdiction over the “administrative and criminal charges” against him.
- (c) Res judicata and double, if not multiple, jeopardy;
- (d) Redundant, oppressive, plain persecution of his person and violative of his human rights.

This Office agrees with the findings of the Committee, with respect to the procedural matters, as follows:

“(1) LARIN’s claim that the instant Administrative Complaint is already barred because of the absence of procedures for Administrative Cases against presidential appointees, deserves scant consideration.

1.1. While it is true that Book V of the Administrative Code of 1987, Title I, Sub-title A, Chapter 7, Sec. 48 only provides for the procedures in Administrative Cases against non-presidential appointees, the lack of parallel provisions for presidential appointees does not preclude the President, as Administrative head of government and under his Constitutional powers of appointment of heads of executive departments, bureaus and offices, independently of statutory authority, in exercising disciplinary powers over executive officers or officials, especially those whose term of office is not fixed by law (Sinco, Phil. Political Law, p. 243).

1.2. Moreover, the President's power to remove is considered as an adjunct of or incident to the power of appointment (Mechem, Public Office and Offices, Sec. 445).

(2) Contrary to LARIN's assertion that only the Ombudsman should take cognizance of his case, such authority is not exclusive but is concurrent with other appropriate government agencies, as in the case of the Office of the President regarding the administrative aspect thereof.

(3) LARIN's reliance on *res judicata* and double jeopardy is misplaced and unavailing.

3.1. For *res judicata* to apply, the following elements must concur: (a) final judgment or Order; (b) court that rendered judgment must have jurisdiction over the subject matter and the parties; (c) judgment must be based on the merits (d) identity of parties, subject matter and cause of action between the two (2) cases.

3.2. Thus, it has been held that "generally, judgment in a criminal case cannot be invoked as *res judicata* in a civil action or administrative proceedings because under this situation, the identity of parties and subject matter does not obtain since the petitioners/complainants in the civil case or administrative complaint are not parties in the criminal case and the subject matter in the criminal case – the guilt or innocence of the accused is different from that of the civil action or administrative proceedings (vide, *Perez v. Mendoza*, 75 SCRA 485, *Ocampo v. Jerkin*, 14 Phil. 661 and *Dionisio v. Alvendia*, 102 Phil. 443)

3.3 As regards double jeopardy, the scope of the guarantee of double or second jeopardy for the same offense includes only immunity from second prosecution when the court having jurisdiction had acquitted/convicted the accused of the same offense (*Kepner v. US*, 11 Phil. 669), but not immunity for/from a civil action or an administrative complaint against said accused."

This Office further agrees with the findings of the Committee with respect to substantive matters, as follows:

"(1) LARIN denies any administrative (or even criminal) culpability. He claims that the aforementioned cases are mere persecutions filed and being orchestrated by taxpayers who were prejudiced by the multi-million pesos assessments he caused to be issued against them in his official capacity as Assistant Commissioner, Excise Tax Office of the BIR.

(2) Whether there is truth to his bare assertion that he is just a subject of persecution, the fact is that LARIN is guilty of grave misconduct. By his "categorical recommendation" to the Commissioner for the grant of the tax credit requested by Tanduy when there was no clear right to the full amount thereof and for which the government suffered pecuniary damage -- albeit temporary as later events have shown, in the amount of more or less ₱74 M, LARIN is indubitably guilty of the charges.

(3) In the case of *In re Horilleno*, 43 Phil. 212, the Supreme Court interpreted serious or grave misconduct as “gross negligence of a public officer.” And gross negligence has been defined as the want of even slight care and diligence (*Mobile & M.R. Co. v. Ascharge* (1872) 48 Ala..15).

(4) Indeed, LARIN was remiss in determining both the factual basis for the claim, i.e., whether or not Tanduay had actually paid all of the P180 M in ad valorem taxes, as well as the legal basis, i.e., whether or not ad valorem taxes were erroneously paid, therefor, tax creditable.

(5) LARIN should have exercised the most simple and basic degree of diligence -- WHICH HE DID NOT, to be certain that Tanduay has actually paid the sum of P180,701,682.00 in ad valorem taxes claimed by it, for several reasons: (i) the amount subject of the claim was extraordinarily large: P180,701,682.00 and (ii) he was the last layer of recommending officer before the implementing officials -- the Commissioner of the BIR or his Deputy -- could act”.

Based on the foregoing, this Office finds Respondent Aquilino T. Larin GUILTY of grave misconduct.

WHEREFORE, premises considered, Aquilino T. Larin is hereby dismissed from government service with forfeiture of his leave credits and retirement benefits, and his disqualification for reappointment in the government service.

DONE in the City of Manila, this 2d day of DECEMBER, in the year of Our Lord, Nineteen Hundred and Ninety-Three.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) LEONARDO A. QUISUMBING

Sr. Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1993). [*Administrative Order Nos.: 101 - 200*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 102
RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL COMMITTEE IN
CONNECTION WITH THE OBSERVANCE OF THE 97TH DEATH ANNIVERSARY
OF DR. JOSE P. RIZAL ON DECEMBER 30, 1993.

I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the membership of the Rizal Day National Committee in connection with the observance of the 97th Death Anniversary of Dr. Jose P. Rizal on December 30, 1993, as follows:

The Secretary of Education, Culture and Sports	– Chairman
The Secretary of the Interior and Local Government	– Member
The Undersecretary of Public Works and Highways	– Member
The Undersecretary of National Defense	– Member
The Undersecretary of Tourism	– Member
The Undersecretary of Social Welfare and Development	– Member
The Undersecretary of Budget and Management	– Member
The Press Undersecretary	– Member
The Chief of Presidential Protocol	– Member
The Chairman, Metropolitan Manila Authority	– Member
The City Mayor of Manila	– Member
The Chairman, National Historical Institute	– Member
The Supreme Commander of the Knights of Rizal	– Member
The Chairman, National Commission on the Role of Filipino Women	– Member

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 9th day of December, in the year of our Lord, nineteen hundred and ninety-three.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1993). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 103

**AUTHORIZING THE GRANT OF CY-1993 PRODUCTIVITY INCENTIVE BENEFITS TO
GOVERNMENT PERSONNEL AND PROHIBITING PAYMENTS OF SIMILAR BENEFITS IN
FUTURE YEARS UNLESS DULY AUTHORIZED BY THE PRESIDENT**

WHEREAS, the faithful implementation of statutes, including the Administrative Code of 1987 and all laws governing all forms of additional compensation and personnel benefits is a Constitutional prerogative vested in the President of the Philippines under Section 17, Article VII of the 1987 Constitution;

WHEREAS, the Constitutional prerogative includes the determination of the rates, the timing and schedule of payment, and final authority to commit limited resources of government for the payment of personnel incentives, cash awards, productivity bonus, and other forms of additional compensation and fringe benefits;

WHEREAS, the unilateral and uncoordinated grant of productivity incentive benefits in the past gave rise to discontentment, dissatisfaction and demoralization among government personnel who have received less or have not received at all such benefits;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law and in order to forestall further demoralization of government personnel do hereby direct:

SECTION 1. All agencies of the National Government including government-owned and/or -controlled corporations and government financial institutions, and local government units, are hereby authorized to grant productivity incentive benefit in the maximum amount of TWO THOUSAND PESOS (P2,000.00) each to their permanent and full-time temporary and casual employees, including contractual personnel with employment in the nature of a regular employee, who have rendered at least one (1) year of service in the Government as of December 31, 1993.

SEC. 2. All heads of government offices/agencies, including government-owned and/or -controlled corporations, as well as their respective governing boards are hereby enjoined and prohibited from authorizing/granting Productivity Incentive Benefits or any and all similar forms of allowances/benefits without prior approval and authorization via Administrative Order by the Office of the President. Henceforth, anyone found violating any of the mandates in this Order, including all officials/employees and the COA Resident Auditor of such government office/agency found to have taken part thereof, shall be accordingly and severely dealt with in accordance with the applicable provisions of existing administrative and penal laws.

Consequently, all administrative authorizations to grant any form of allowance/benefits and all forms of additional compensation usually paid outside of the prescribed basic salary under R.A. No. 6758, the Salary Standardization Law, that are inconsistent with the legislated policy on the matter or are not covered by any legislative action are hereby revoked.

SEC. 3. All departments, offices and agencies which authorized the payment of CY-1993 Productivity Incentive Benefits in excess of the amount authorized under Section 1 hereof are hereby directed to immediately cause the return/refund of the excess within a period of three (3) months to commence 15 days after the issuance of this Order.

SEC. 4. Agencies are hereby allowed to pay the benefit herein authorized out of any available savings for CY-1993. In case of deficiency, the Department of Budget and Management shall provide the funds from the overall savings of the Executive Department.

SEC. 5. In the case of government-owned and/or -controlled corporations and government financial institutions the necessary amount shall be sourced fully from their respective corporate funds, and the local government units from their respective local funds.

SEC. 6. Strict compliance by all concerned with the provisions of this Order is enjoined.

SEC. 7. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 14th day of January, in the Year of Our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 104

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 104 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila : Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 105

**AUTHORIZING THE MONARCH INSURANCE COMPANY, INC., TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that, whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal, or of any undertaking, or for doing, or refraining from doing anything, and such recognizance, stipulation, bond, or undertaking specified is, by the laws of the Philippines or by the required or permitted to be given with one surety or with two or more sureties, the execution of the same of the guaranteeing solely of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds of undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, judge, officer, board, or body, whether executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract, or undertaking, unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, not unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds, and undertakings; and

WHEREAS, MONARCH INSURANCE COMPANY, INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines, and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the Monarch Insurance Company, Inc., to become a surety upon official recognizances, stipulations, bonds, and undertakings, in such manner and under such conditions as are provided by law, subject, however, to the condition that the amount constituting the contributed surplus fund shall not at anytime be withdrawn without prior recommendation and justification by the Insurance Commissioner, duly approved by the Secretary of Finance, and provided further, that the moment Monarch Insurance Company, Inc., becomes indebted to any government instrumentality or political subdivision thereof, or to any amount of P50,000.00 accruing from the issuance of bonds, the same having become due and demandable, this authority shall be automatically suspended and the insurance company shall desist from writing or issuing all kinds of bonds. Only when the insurance company shall have fully paid or settled its liabilities and proof thereof shall have been presented may this authority be given further effect.

Done in the City of Manila, this 14th day of January, in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 106
IMPOSING ON DIMATIMPOS MINDALANO, FORMER REGISTER OF DEEDS OF LANAO
DEL SUR, A FINE EQUIVALENT TO HIS SEVEN (7) MONTHS SALARY TO BE
DEDUCTED FROM WHATEVER RETIREMENT AND OTHER BENEFITS HE MAY
RECEIVE FROM THE GOVERNMENT

This is an administrative case against Atty. Dimatimpos Mindalano, former Register of Deeds of Lanao del Sur, for gross neglect of duty.

In the evening of August 16, 1985, burglars entered the Registry of Deeds, Marawi City, resulting in the loss of the registry's collection in the amount of P31,844.50, which the collecting clerk, Subosubo Malawi, failed to remit to the local branch of the Philippine National Bank.

As an offshoot of the above incident, the Administrator of the National Land Titles and Deeds Registration Administration (NLTDRA) charged Mindalano with gross neglect of duty. The charge sheet reads as follows:

“On 1 August 1984, upon your assumption as Acting Register of Deeds of Marawi City, the Office of City Auditor conducted an audit examination of the cash and account of the Registry and the unremitted amount of P21,065.25 was discovered in the possession of Subosubo Malawi, the designated collecting clerk. In addition to this amount, Malawi had also in his possession the amount of P15,366.25 representing registry collection for the period of 1 August 1984 to 16 August 1985.

“Malawi did not remit or deposit all his registry collections, as required by Joint Circular No. 1-81 dated 1 January 1981 of COA and Department of Finance, except on 17 October 1984, in the amount of P1,486.50; and on 20 January 1985, in the amount of P3,100.50, resulting in their loss.

“Section 104 of P.D. 1445, otherwise known as the Government Auditing Code of the Philippines, provides:

‘Section 104. Records and reports required by primarily responsible officers. The head of any agency or instrumentality of the National Government. . . shall exercise the diligence of a good father of a family in supervising accountable officer under his control to prevent the incurrence of loss of government funds or property, otherwise he shall be accountable therefor.’

“In view thereof, you are hereby charged with, and directed to show cause in writing and under oath within seventy-two (72) hours from receipt hereof why no administrative disciplinary action should be taken against you for Gross Neglect of Duty for your failure to exercise supervision in safeguarding registry collections as mandated by the existing regulations, particularly Section 104 of P.D. 1445.”

Forthwith, respondent filed his answer. During the investigation of the case, respondent opted to submit a memorandum and, thereafter, submitted the case for resolution based on the records.

In his report of May 2, 1991, the Investigator designate recommended, with the concurrence of the NLTDRA Administrator, that respondent be adjudged guilty of the charge, observing that:

- a. the unremitted collection of Malawi was brought to respondent's attention upon his assumption of duties as Acting Register of Deeds of Marawi City, but the latter did not exercise the required diligence necessary to ensure the timely and regular remittance of registry collections as required under Section 104, Presidential Decree (PD) No. 1445; and
- b. the loss of the unremitted amount when the registry office was burglarized on August 16, 1985, could have been adverted had respondent been vigilant as supervisor of the collecting clerk.

Then Acting Justice Secretary Eduardo Q. Montenegro, in his letter-report of May 6, 1992, stated:

“Respondent Mindalano denied the charge in his Answer dated 15 September 1988 wherein he alleged, among others, that on the same day (1 August 1984) he came to know of the unremitted amount he immediately issued a memorandum order to the collecting clerk to remit immediately without delay the amount of P21,065.25. One week thereafter he issued another memorandum again requiring Mr. Malawi to remit the said amount. Allegedly, thereafter, a series of memoranda were issued by him directing Mr. Malawi to remit collections in his possession.

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We find the allegations of respondent not credible.

He could have issued, as he claims, a memorandum on the very same day he assumed his duties as Acting Register of Deeds of Marawi City since (1) his first memo appears to have been issued on 3 September 1984. Said memo begins with ‘[h]aving assumed office as City Register of Deeds x x x’, and (2) the memorandum dated 1 August 1985 could not have been 1 August 1984 as claimed by respondent – since the said memo states ‘[i]n the interest of the public service, you are again reminded of your duties as Cash Clerk.’ If this were his first memo, then he would not remind Mr. Malawi again of his duties. The words of the memoranda apparently do not jibe with the allegations in his Answer dated 15 September 1988 that:

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It appears that respondent issued his first memorandum dated 3 September 1984 to Mr. Malawi more than one month after he assumed his duties as Register of Deeds of Marawi City; followed by another memo on 7 November 1984; a third memo on 2 January 1985; a fourth memo on 3 January 1985; and the last memo on 1 August 1985.

“Aside from the issuance of these memoranda, however, there is no showing that respondent even bothered to check whether the designated collecting clerk had been remitting his collections as instructed. Respondent is not even sure whether the amount allegedly lost in the burglary was indeed in the registry steel safe.

It is noteworthy that prior to the burglary on 16 August 1985 two remittances, P1,486.50 on October 17, 1984 and P3,100.50 on January 29, 1985 – were made by Mr. Malawi. If the collections allegedly taken were indeed kept in the safe at the time these remittances were made, Mr. Malawi should have remitted all the collections as mandated by Joint circular No. 1-81 dated 1 January 1981 of the COA and the Department of Finance thereby relieving himself of worrying about the said collections. Instead he opted to remit the measly amount of P1,486.50 and P3,100.50 and left the substantial sum ‘in the safe’. It is only logical to conclude that in all probability, the collections could not have been there as early as when the first remittance was made. Had respondent closely supervised Mr. Malawi – which he could have easily done considering that there were only the two of them in the office – then he should have known what actually happened with the collections. As it is, he seems to be groping in the dark for an explanation. It would appear that the most convenient way out was to include the collections in the items taken during the burglary. He miserably failed to exercise the diligence of a good father of a family in supervising Mr. Malawi to the loss of government funds.

In view of the foregoing, it is recommended that Atty. Dimatimpos Mindalano be held liable for gross neglect of duty for which he should be fined in an amount equivalent to his seven (7) months salary in accordance with CSC Memorandum Circular No. 8, s. of 1970 then prevailing at the time of the commission of the offense. The penalty of suspension could not be imposed considering that he had ceased to be in office when he filed his certificate of candidacy in the election for membership in the Regional Assembly, 3rd District, Lanao del Sur.”

The conclusions of then Secretary Montenegro and the premises on which he based the same are well taken. Respondent knew, or at least is expected to know, that Malawi had the habit of not regularly remitting the registry’s collection. Given this situation, respondent, as head of office, should have closely supervised his collection clerk. In hindsight, the loss of government funds could have been avoided with the exercise by respondent of sound management.

As represented by the NLTDRA and the Department of Justice, respondent already left the service. Separation from the service, however, does not preclude the disciplining authority from resolving an administrative case. The Supreme Court in *Hermosa vs. Paraiso* (62 SCRA 361, 362 [1975]) provided the rationale for the above conclusion:

“The Court nevertheless resolves the instant case (notwithstanding that death has separated him from the service) to the end that respondent’s heirs may not be deprived of any retirement gratuity and other accrued benefits that they

may be entitled to receive as a result of respondent's death in office (as against a possible forfeiture thereof should his guilt have been duly established at the investigation)."

WHEREFORE, Atty. Dimatimpos Mindalano is adjudged **GUILTY** for gross neglect of duty. Accordingly, and as recommended by the Department of Justice, Mindalano is **FINED** in an amount equivalent to his seven (7) months salary, to be deducted from any benefits he may be entitled to from the Government on account of his service.

DONE in the City of Manila, this 18th day of January, in the year of Our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) **FIDEL V. RAMOS**

By the President:
(Sgd.) **TEOFISTO T. GUINGONA, JR.**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 107
CREATING A NATIONAL COMMITTEE FOR THE COMMEMORATION OF THE EIGHT
ANNIVERSARY OF THE FEBRUARY 22-25, 1986 EDSA REVOLUTION

WHEREAS, the February 22-25, 1986 EDSA Revolution restored democratic institutions, ushered in meaningful political, social and economic reforms in the country and is acclaimed to be the crowning glory and legacy of the Filipino to the world;

WHEREAS, the triumph of this Revolution was anchored upon People Power, the spontaneous teamwork in seeking to transform Philippine society and chart a new course for the nation by linking arms and courageously asserting the democratic rights;

WHEREAS, to animate the potent lessons and relevance of this active but non-violent revolution, it is necessary to organize a committee that shall plan and coordinate a meaningful, nationwide, and multi-sector-participated celebration of the EDSA Revolution.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby create a National Committee for the Commemoration of the February 22-25, 1986 Revolution.

Section 1. Composition. The Committee shall be composed of Ms. Patricia Sison, Trustee of the Evelio V. Javier Foundation, Inc. and representing the private sector, as Chairman; Secretary Renato de Villa, representing the government sector as Co-Chairman; and the following as members:

Representatives of the NGOs/Business Community

1. Ms. Victoria Garchitorea
2. Mr. Jose Concepcion, Jr.
3. Mr. Jose Alejandro
4. Ms. Mitch Valdez
5. Fr. Robert Reyes
6. Mr. Oscar Hilado
7. Mr. Octavio V. Espiritu
8. Mr. Eugenio Lopez
9. Mr. Christopher Carreon
10. Mr. Jose 'Ping' de Jesus
11. Ms. Denise Mendoza
12. Mr. Jose Escaner
13. Ms. Solita C. Monsod
14. Mr. Lito M. Lorenzana

Representatives of the Government Sector

14. Sec. Rafael M. Alunan III, Department of Interior and Local Government
15. Sec. Gregorio Vigilar, Department of Public Works and Highways

16. Sec. Salvador Enriquez, Department of Budget and Management
17. Mayor Ismael Mathay, Jr., Metro Manila Authority
18. Director-General Bren Z. Guiao, Kabisig People's Movement
19. Administrator Renato Valencia, Social Security System
20. Presidential Assistant Benjamin De Leon, Office of the President
21. Administrator Jose Rufino, Livelihood Corporation
22. Usec. Honesto Isleta, Philippine Information Agency

Section 2. Function. The Committee shall have the following functions:

1. Formulate a comprehensive plans for the nationwide commemoration of the Eight Anniversary of the February 22-25, 1986 EDSA Revolution, and coordinate with all sectors concerned the implementation of the same, taking into consideration austerity measures and the spirit of volunteerism;
2. Create such working committees and designate the respective members thereof from both the private and government sectors as may be necessary to ensure the success of the celebration;
3. Invite or enjoin and mobilize all sectors who would like to participate in the celebration and call upon any government instrumentality to render the necessary assistance therefor.

Section 3. Staff Support. The Kabisig People's Movement National Operations Center (KPMNOC) shall provide technical and secretariat support to the Committee. The heads of departments, agencies, government owned and controlled corporations and other government instrumentalities are enjoined to give full support to the Committee and its various working committees and to actively participate in said celebrations.

Section 4. Funding. The Secretary of Budget and Management is hereby directed to allocate the amount of TWO MILLION PESOS (P2,000,000.00) necessary to support this activity. Concerned agencies may allocate such amount as may be necessary to defray the expenditures that may be incurred from participation, subject in the EDSA anniversary, to the usual accounting and auditing regulations.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 31st day of January, in the Year of Our Lord, Nineteen Hundred and Ninety Four.

(Sgd.) FIDEL V. RAMOS

BY THE PRESIDENT:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 107-A

DECLARING FRIDAY, FEBRUARY 25, 1994 AS NATIONAL PEOPLE'S DAY AND DIRECTING
ALL PROVINCIAL, CITY AND MUNICIPAL GOVERNMENTS TO CONDUCT
PEOPLE'S DAY ACTIVITIES IN THEIR RESPECTIVE AREAS

WHEREAS, the February 22-25, 1986 EDSA Revolution restored democratic institutions, ushered in meaningful political, social and economic reforms in the country and is acclaimed to be the crowning glory and legacy of the Filipino to the world;

WHEREAS, the triumph of this Revolution was anchored upon People Power, the spontaneous demonstration of the citizens unity, solidarity and teamwork in seeking to end dictatorship, transform Philippine society and chart a new course for the nation by linking arms and courageously asserting the democratic rights;

WHEREAS, the EDSA Revolution spirit is best manifested by the efficient delivery of services to every Filipino.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct the observance by all provincial, city and municipal governments of the following guidelines in the celebration of February 25, 1994 as National People's Day.

Section. 1 Flag-raising Ceremony. Flag raising ceremonies shall be held at all Provincial Capitols and City and Municipal Halls at 8:00 a.m. on February 25, 1994.

Section 2. Local People's Day. All heads of provincial, city and municipal governments shall make themselves available to the public for consultation from 8:30 a.m. to 3:00 p.m. in a manner similar to the conduct of People's Day activities in Malacañang. National government agencies with provincial city and municipal offices shall also make themselves available to the public for consultation and provision of their respective services.

All national government agencies with provincial, city and municipal offices shall coordinate with the concerned local government units (LGUs) for the purpose of planning and mobilizing resources in connection with this celebration.

Section 3. Other Activities. The foregoing guidelines, notwithstanding, are without prejudice to the observance of other special activities and programs that may be put up by other groups or sectors in partnership with local government units and national agencies concerned and in connection with the celebration of the EDSA Revolution Anniversary.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 31st day of January, in the Year of Our Lord, Nineteen Hundred and Ninety Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 108
CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE COMMEMORATION
OF THE 50TH ANNIVERSARY OF THE LEYTE GULF LANDINGS ON 20 OCTOBER 1994

WHEREAS, October 20, 1994 marks the 50th Anniversary of the Leyte Gulf Landings which signalled the beginning of the liberation of the Philippines from the Japanese Occupation during World War II;

WHEREAS, this event should be appropriately observed to promote, preserve and memorialize the principles, ideals and deeds of Filipino military veterans as a means of enhancing patriotism and love of country, especially among the youth of the land;

WHEREAS, the commemoration of this event should be focused on the values of freedom and lasting peace for which Filipino war veterans fought valiantly, many of whom paid the ultimate sacrifice;

WHEREAS, there is a need to coordinate all activities that are envisioned to foster nationalism among Filipinos, particularly with that of the National Centennial Commission, which was created pursuant to E.O. 128, dated 04 October 1993, to act as the principal coordinator for all activities related to the Centennial celebrations of the Philippine Independence;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. - Creation of a National Executive Committee. There is hereby constituted a National Executive Committee on the Commemoration of the 50th Anniversary of the Leyte Gulf Landings, hereinafter referred to as the Committee, to be composed of the following:

- (b) The Secretary of National Defense;
- (c) The Secretary of Tourism;
- (d) The Secretary of Foreign Affairs;
- (e) The Secretary of Education, Culture and Sports;
- (f) The Secretary of the Interior and Local Government;
- (g) Secretary of Transportation and Communications;
- (h) The Secretary of Public Works and Highways;
- (i) The Secretary of Budget and Management;
- (j) The Press Secretary;
- (k) Presidential Assistant for Visayas;
- (l) The Chief of Staff, Armed Forces of the Philippines;
- (m) Administrator, Philippine Veterans Affairs Office;
- (n) Chairman, National Historical Institute;
- (o) Governor, Province of Leyte
- (p) Mayor, Tacloban City
- (q) Mayor, Cebu City
- (r) President, Veterans Federation of the Philippines;

- (s) National President, Boy Scouts of the Philippines;
- (t) National President, Girl Scouts of the Philippines; and;
- (u) Chief, Military Shrines Service

The Chairman of the Committee shall be the Executive Secretary and the Vice Chairman shall be the Secretary of National Defense.

SECTION 2. - **Functions of the Committee.** The Committee shall take charge of the nationwide preparations for 50th Anniversary of the Leyte Gulf Landings on 20 October 1994. For this purpose, it shall have the following functions:

- (a) Formulate all the programs, projects and activities that shall be conducted in observance of the 50th Anniversary of the Leyte Gulf Landings;
- (b) Prepare the implementing guidelines for all the programs, projects and activities that shall be undertaken for the commemoration;
- (c) Orchestrate and coordinate the implementation of all the programs, projects and activities that shall be undertaken for the commemoration;
- (d) Source funds and prepare the budget which shall be required by the Committee in the discharge of its functions; and,
- (e) Perform other tasks as may be given by the President.

SECTION 3. - **Operational Relationships.** In the conduct of all programs, projects and activities in the observance of the 50th Anniversary of the Leyte Gulf Landings, the Committee shall coordinate with the National Centennial Commission which is the body tasked to oversee the nationwide celebrations for the Centennial of the Philippine Independence.

The Committee is also authorize to call upon the assistance of any department, bureau, agency, office and other instrumentality of the Government, as well as invite any non-governmental organization as it may deem necessary in the performance of its functions.

SECTION 4. - **Creation of Subcommittees.** The Committee may form sub-committees as it may deem necessary to effectively carry out its duties and responsibilities.

SECTION 5. - **Technical and Secretariat Support.** The Department of National Defense shall provide technical, secretariat and administrative support to the Committee.

SECTION 6. - **Funding.** Funds necessary to carry out the provisions of this Executive Order shall be taken from the respective appropriations of the concerned agencies.

SECTION 7. - **Effectivity.** This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 21st day of January, in the year of Our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Reference: Administrative Guidelines for the Custody, Utilization and Accounting of Project Funds

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 109
CREATING THE PRESIDENTIAL COMMITTEE ON FLAGSHIP PROGRAMS AND PROJECT

Whereas, the year 1994 offers considerable opportunities for an economic surge for the country.

Whereas, financial constraints continue to exist which may dampen the attainment of an economic surge.

Whereas, there is a critical need for a more focussed and highly selective intervention along very strategic areas to catalyze the economic surge and optimize available resources.

Whereas, the flagship concept has been adopted by the government and several flagship programs and projects have already been identified.

Whereas, there is a need to ensure the efficient and timely implementation of the flagship programs and projects.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a Presidential Committee on Flagship Programs and Projects. There is hereby created an ad hoc intra-departmental body to be known as the Presidential Committee on Flagship Programs and Projects.

SECTION 2. Composition. The Committee shall be composed of the following:

Presidential Adviser Emilio M.R. Osmeña	- Chairman
Secretary, Department of Budget & Management	- Member
Secretary, Department of Public Works and Highways	- Member
Secretary, Department of Transportation and Communication	- Member
Secretary, Department of Agriculture	- Member
Secretary, Department of Trade & Industry	- Member
Secretary, Department of Tourism	- Member
Director-General, National Economic and Development Authority	- Member

SECTION 3. Mandate. The Committee is hereby mandated to orchestrate the identification, prioritization and implementation of flagship programs and projects. For this purpose, flagship shall refer to highly strategic infrastructure programs and projects approved by the President and the Cabinet.

SECTION 4. Functions. The Committee shall perform the following functions.

- a) Act as the coordinating body for flagship programs and projects.
- b) Undertake the identification and prioritization of flagship programs and projects, whenever necessary, for approval of the President and Cabinet.
- c) Facilitate the mobilization of resources for the flagship programs and projects and ensure the timely release of funds.

- d) Effect the participation and cooperation of all government agencies and instrumentalities (national agencies, Government Owned and Controlled Corporations, Local Government Units, etc.) in the implementation of the flagship programs and projects.
- e) Monitor and evaluate the implementation of flagship programs and projects and ensure the timely and orderly conduct of bidding and awarding of contracts as well as the implementation of projects until completion. For this purpose, the committee may ask for technical support from any of its members as often as necessary.
- f) Initiate and undertake issue resolution of problems and bottlenecks affecting the implementation of flagship programs and projects.
- g) Perform other functions which may be assigned by the President.

SECTION 5. Technical and Secretariat Support. The National Economic and Development Authority Secretariat shall provide the technical and secretariat support to the Committee, in coordination with the Presidential Management Staff.

SECTION 6. Operational Relationship. The Committee shall undertake close coordination and collaboration with the Office of the Executive Secretary in the performance of its function. The committee is also authorized to call on any Department, agency or instrumentality of the government for assistance.

SECTION 7. Reporting. The Committee shall submit a quarterly report to the President and the Cabinet on the status of implementation of flagship programs and projects.

SECTION 8. Funding. Funding for the Operation of the Committee shall be sourced from the President's Contingent Fund and from the budget of member and concerned agencies, as may be needed.

SECTION 9. Support Facilities. The Office of the Executive Secretary shall facilitate the provision of support facilities (such as office space, transportation, communications equipment and personnel), which may be sourced from the Office of the President and the Member Agencies for the use of the Committee.

SECTION 10. Effectivity. This order shall take effect immediately.

Done in the City of Manila, this 20th day of January, in the Year of Our Lord, Nineteen Hundred and Ninety Four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 110
ADJUSTING THE PAY RATES OF UNIFORMED PERSONNEL OF THE ARMED FORCES OF
THE PHILIPPINES, PHILIPPINE NATIONAL POLICE, BUREAU OF FIRE
PROTECTION, BUREAU OF JAIL MANAGEMENT AND PENOLOGY
AND PHILIPPINE PUBLIC SAFETY COLLEGE

WHEREAS, the pay of the uniformed personnel of the Department of National Defense and the Department of the Interior and Local Government has not been adjusted since 1987;

WHEREAS, there is imperative need to modify their salary structure to equalize the same with their civilian counterparts;

WHEREAS, under Section 52, General Provisions of the General Appropriations Act for Calendar Year 1994, RA 7663, the President is authorized to adjust the basic pay of the military personnel, and of the uniformed personnel of the Philippine National Police (PNP), Bureau of Fire Protection (BFP), Bureau of Jail Management and Penology (BJMP) and Philippine Public Safety College (PPSC); and

WHEREAS, the Secretary of National Defense, the Chief of Staff, AFP, the Secretary of Interior and Local Government, the Chairman of the National Police Commission, the PNP Director General, and the Secretary of Budget and Management have duly recommended the adjustment in the basic pay of said uniformed personnel.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The basic pay of the uniformed personnel of the AFP, PNP, BFP, BJMP and PPSC shall be adjusted in accordance with the attached salary schedule (Annex A).

SEC. 2. The salary adjustment authorized herein shall be paid from Compensation Adjustment Fund, other appropriate funding sources and from savings in the appropriation of the agencies concerned.

SEC. 3. This Administrative Order shall take effect on January 1, 1994.

DONE in the City of Manila, this 4th day of February, in the Year of Our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Reference: Annex A

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 111
AMENDING ADMINISTRATIVE ORDER NO. 79, SERIES OF 1993, ENTITLED
“CONSTITUTING A MULTI-SECTORAL CONSULTATIVE TASK FORCE”

WHEREAS, the consultative mechanism between the government and the private sectors has been established under Administrative Order No. 79 and 82, Series of 1993;

WHEREAS, Administrative Order No. 79 provides for a single representation for each of the basic, business and labor sectors in the Multi-Sectoral Consultative Task Force;

WHEREAS, the expansion of the private sector membership shall enhance the responsiveness of the Task Force and reinforce the ongoing efforts to pursue the objectives of the Social Pact for Empowered Economic Development (SPEED);

NOW THEREFORE, I, FIDEL V. RAMOS, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 79, Series of 1993, specifically Section 1 thereof, to read as follows:

Section 1. Composition. There is hereby constituted a Multi-Sectoral Consultative Task Force, hereinafter referred to as the Task Force, to oversee the conduct of a consultative forum on matters discussed and agreed upon during the People’s Economic Summit. The Task Force shall be composed of the Executive Secretary as Chairman and the following members:

Secretary of Trade and Industry
Secretary of Labor and Employment
Secretary of Finance
Secretary of Agriculture
Secretary of Agrarian Reform
Secretary of Justice
Secretary of Budget and Management
Director-General, National Economic and Development Authority
Presidential Adviser on the Peace Process
Two (2) representatives from the Business Sector
Two (2) representatives from the Labor Sector
Two (2) representatives each from the following Basic Sectors: namely, Youth and Student; Farmers; Fisherfolks; Women; Elderly and Veterans; Urban Poor; Indigenous Cultural Communities; Disabled; Muslim and other sectors as may be later determined by the Task Force.

The representatives from the basic, business and labor sectors shall be selected in accordance with the rules and regulations to be promulgated by the concerned departments/agencies that have supervision over them. For the basic sectors, the Department of Agrarian Reform (DAR) shall assist the concerned nominating departments/agencies in the identification and selection of sectoral nominees.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of February, in the Year of our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). [*Administrative Order Nos.: 101 - 200*] Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 112
CREATING A TASK FORCE ON TAX AND TARIFF REFORMS

WHEREAS, global competitiveness should be boosted to attain rapid, sustainable growth envisioned in the medium-term development plan, reach newly-industrialized country status by 2000 as envisioned under the Philippines 2000 and reduce dramatically the incidence of poverty in the country;

WHEREAS, as agreed upon in the Economic Summit held last September 8 and Economic Caucus held on July 22 and October 29, a level playing field is necessary to enable industries to compete more effectively in both the domestic and international market place;

WHEREAS, a stable macroeconomy is necessary to allow for optimization of savings and investment;

WHEREAS, multiplicity and high rates of taxes and tariffs with proliferation of exemptions distort revenue allocation, hamper competitiveness of domestic industries, compound difficulties in collection and cost of tax administration;

WHEREAS, a complicated tax system induces avoidance and evasion resulting in inequitable distribution of tax burden and an uneven playing field for economic and social sectors; and

WHEREAS, the absence of integrating and harmonizing mechanism among entities conducting studies and making recommendations on tax and tariff policies in the medium-term could delay the formulation of a firm and consistent plan for viable reforms that should be implemented immediately;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, do hereby approve the following:

1. A Task Force on Tax and Tariff Reforms shall be created with the following functions:

a. The Task Force will be guided by the following basic objectives:

- i. Setting up a tax system which has equitable and reasonable rates, minimal level of exemptions, and features which facilitate administration thus reducing leakages, minimizing compliance costs and tax administration expenses, distributing tax burden equitably across economic sectors and income groups, enhances productivity and efficient resource allocation and contributes to revenue yields adequate for the government's development programs;
- ii. Rationalizing quantitative restrictions, reducing the overall level of tariffs, and reducing the dispersion of tariff rates within and across economic sectors;
- iii. Establishing a collection system that is simple to administer and easy to comply with; and
- iv. Leveling the playing field, allowing competitive forces to optimize resource mobilization and investment allocation, and saving on unnecessary expenditures arising from implementation of high, disparate and complicated taxes and tariffs while enabling the Government to keep the fiscal deficit within reasonable levels.

b. To the above ends, the Task Force will study the mechanics and impact of, and draft legislation and executive orders to give effect to:

- i. Introduction of a minimum business income tax based on gross assets and simplified net income tax system for corporations;
- ii. Introduction of presumptive income tax for individuals;
- iii. Broadening of VAT to include utilities, transportation, trade and other services;
- iv. Abolition of tax exemptions under special laws;
- v. The restructuring of tariffs to include the lowering of higher tariff rates towards a simplified structure based on transaction values; and
- vi. Further globalization of income tax system; and
- vii. Administrative and other structural reforms.

2. The Task Force shall be composed of the Secretary of Finance, or one of his Undersecretaries, as Chairman; Director-General of Congressional Planning and Budget Office (CPBO), Director-General of Senate Tax and Research Office, (STRO), Deputy Director General of National Economic and Development Authority (NEDA), Undersecretaries from the Department of Trade and Industry (DTI) and the Department of Agriculture (DA), Executive Director of National Tax Research Center (NTRC), Commissioners from the Bureau of Internal Revenue (BIR) and Bureau of Customs (BOC), senior experts from the Philippine Institute for Development Studies (PIDS), University of the Philippines School of Economics (UPSE), and Center for Research and Communications (CRC); as Members.

3. To hasten the conduct of the study, the Task Force may create sub-groups under its organization and obtain technical assistance from local and foreign experts and research groups.

4. The Task Force shall invite other government departments, offices and instrumentalities and the private sector to assist and participate actively in the conduct of the study.

5. The Task Force shall submit its recommendations to the Executive and Legislative Revenue Mobilization Group the following: on the gross income taxation, on minimum income taxation and VAT - within ninety days; on administrative and structural reforms which are immediately implementable - within six months; and on other reforms – within one year from the effectivity of this order.

DONE, in the City of Manila, Philippines, this 10th day of February, in the Year of Our Lord, Nineteen Hundred and Ninety Four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 113
DIRECTING THE IMPOSITION OF 5% RESERVE ON MAINTENANCE AND OTHER
OPERATING EXPENSES APPROPRIATION ITEMS

WHEREAS, there is a need for the government to maintain prudence in government spending and to continue to streamline its operations in view of limited resources;

WHEREAS, such prudence is best reflected in the generation of savings from appropriations for maintenance and other operating expenses;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Pursuant to Section 37, Chapter 5, Book VI of Executive Order No. 292 (the Administrative Code of 1987), all national government agencies are hereby directed to set aside 5% of their respective programmed appropriations for Maintenance and Other Operating Expenses (MOOE) under R.A. No. 7663 (the 1994 General Appropriations Act) as mandatory reserve. Government-owned and controlled corporations (GOCCs), including government financial institutions (GFIs), are likewise directed to set aside 5% of their MOOE budget for the same purpose.

SEC. 2. All agencies of the national government, including GOCCs and GFIs, shall submit to the Department of Budget and Management (DBM) the details of their reserve imposition not later than February 15, 1994. The DBM shall submit to the Office of the President a report on the status on the implementation of this Administrative Order not later than February 28, 1994.

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of February, in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 114
IMPOSING THE SUSPENSION FOR THIRTY (30) DAYS WITHOUT PAY FOR THE DELAY IN
RESOLVING I.S. CASE NO. 90-461 IN VIOLATION OF JUSTICE DEPARTMENT CIRCULAR
NO. 35 DATED SEPTEMBER 17, 1991 OF 4TH ASST. PROVINCIAL PROSECUTOR
DEMOSTHENES B. TINAGAN OF NEGROS ORIENTAL.

This refers to the administrative complaint filed by Trinitario Yap against 4th Asst. Provincial Prosecutor Demosthenes B. Tinagan, Negros Oriental, for delay in resolving the complaint against P/Lt. Cesar Dalderas, et al., for malversation of public funds and property docketed as I.S. No. 90-461.

Records disclose that the aforestated criminal complaint against P/Lt. Cesar Dalderas, et al. was filed by Trinitario Yap on October 3, 1990 and the same was assigned to respondent prosecutor. After the requisite investigation the case was submitted for resolution on July 9, 1991. The ninety (90) day reglementary period, within which to resolve complaints on preliminary investigation, as required by Department Circular No. 35 dated September 17, 1991 notwithstanding, respondent prosecutor resolved the case only on December 18, 1992.

We view respondent prosecutor's failure to resolve I.S. No. 90-461 within the reglementary period as gross neglect of duty and inefficiency. This long delay in the resolution of the criminal complaint greatly affects the administration of justice and depreciates the peoples confidence in our justice system. Respondent prosecutor's defiance of Department Circular No. 35 dated September 17, 1991 cannot go unpunished.

WHEREFORE, premises considered, 4th Asst. Provincial Prosecutor Demosthenes B. Tinagan is hereby found liable as charged and is meted the penalty of suspension of thirty (30) days without pay with a warning that a commission of a similar offense in the future would be dealt with more severely.

DONE in the City of Manila, this 13th day of February in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1994). *[Administrative Orders Nos.: 101 – 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 115
AMENDING ADMINISTRATIVE ORDER NO. 87, DATED OCTOBER 8, 1993, ENTITLED
“CREATING THE PRESIDENTIAL TASK FORCE ON MANILA BAY REHABILITATION”

The composition of the Presidential Task Force on Manila Bay Rehabilitation created under Administrative Order No. 87 dated October 8, 1993, is hereby amended by including the National Mapping and Resource Information Authority (NAMRIA) as one of its members.

Done in the City of Manila, this 14th day of February, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 116

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF ALL THE BENEFITS UNDER THE LAW OF STATE PROSECUTOR AMELITO S.G. PERFECTO, DETAILED IN VALENZUELA, A SUB-STATION OF THE KALOOKAN PROSECUTOR'S OFFICE

This refers to the administrative complaint filed *motu proprio* by the Department of Justice against State Prosecutor Amelito S.G. Perfecto, detailed in Valenzuela, a sub-station of the Kalookan Prosecutor's Office, for grave misconduct.

The record shows that on October 11, 1993, EMILIA LANSANGAN vda. de ANGELES filed a complaint with the Presidential Anti-Crime Commission (PACC) against Prosecutor Perfecto and a certain SPO1 ILDEFONSO ORIG, JR. of the Valenzuela Police for demanding from her the amount of ₱15,000.00 for the immediate release of her son, Edgardo Angeles, who has a pending case in the Regional Trial Court, Branch 75, Valenzuela, Bulacan for attempted homicide, illegal possession of firearms, and illegal discharge of firearm. Her son was then detained at the Valenzuela Police Headquarters.

On October 12, 1993, Angeles' complaint was referred to the Office of Director Epimaco Velasco of the National Bureau of Investigation for appropriate action.

The investigation report transmitted by Director Velasco to this office revealed that Perfecto and Orig, Jr. had, on several occasions, demanded money from Angeles in exchange for the release of Edgardo. The first time was on June 21, 1993 at about 11:00 o'clock in the morning while they were at the canteen of the RTC compound in Valenzuela. The two first demanded the amount of ₱40,000.00 but after haggling with Angeles on subsequent dates, the amount was reduced ultimately to ₱15,000.00.

Angeles claims that Prosecutor Perfecto instructed her to deliver the money to his office as soon as the same is raised; that he made this demand everytime she would attend the scheduled hearings of the cases against her son: and that on September 29, 1993, Angeles sent her daughter, Juanita, to deliver the amount of ₱5,000.00 to Prosecutor Perfecto who refused to accept the money as it was not the amount agreed upon.

On October 20, 1993, Jesus D. Jamasali, Ernesto Adobo and Vicente Lorenzo, agents of the Anti-Organized Crime Division (AOCD) of the NBI, were discreetly deployed at around 8:00 o'clock in the morning at the vicinity of the RTC Compound in Valenzuela, Bulacan following the plan previously set up to entrap Prosecutor Perfecto. Angeles was instructed to bring the marked money in the amount of ₱15,000.00 and to hand over the money to Prosecutor Perfecto and SPO1 Orig upon demand, at which point, the agents who posted themselves nearby, would pounce on the two.

At about 9:30 o'clock in the morning of the same date, SPO1 Orig arrived and he proceeded to the second floor where Branch 75 of the RTC is located. Prosecutor Perfecto, who also passed by, upon seeing Angeles, uttered the following words, "Ayos na ba 'yan?" and continued to go on his way. A few minutes later, Prosecutor Perfecto returned and approached Angeles and demanded the money from the latter by saying, "magkano yan, bilisan mo". At this instance, Angeles gave the money to

Prosecutor Perfecto. Immediately thereafter, the AOCD agents pounced on Prosecutor Perfecto who was in the act of counting the marked money. He and SPO1 Orig were then arrested and brought to the NBI for investigation. Prosecutor Perfecto's hands were examined and found to be positive for fluorescent powder in his right hand.

Felicisima M. Francisco, forensic chemist of the NBI, testified that at around 11:00 o'clock in the morning of October 20, 1993, Agent Adobo submitted to the Forensic Chemistry Division of the NBI for laboratory examinations, the person of Prosecutor Perfecto, twenty-eight (28) pieces of five hundred peso bills, a piece of one (1) thousand peso bill and a printed handkerchief; that the ultra-violet examinations made: a) on the palmar aspect of the right hand of Prosecutor Perfecto showed positive for yellow fluorescent specks; b) on the 28 pieces of ₱500.00 peso bills and one (1) ₱1,000.00 bill showed the markings "P-93-147 10-18-93 GJL" and the presence of yellow fluorescent specks and smudges on both sides; and c) on the piece of printed handkerchief showed the markings "10-19-93 LFB/EMAR FCD, NBI" and also the presence of yellow fluorescent specks and smudges on both sides.

Respondent denies the charge and avers that Angeles, prior to October 20, 1993, came to his Office requesting that her son be allowed to post bail in a reduced amount; that taking pity on her due to her tight financial situation and advanced age, he interposed no objection to the motion for the reduction of bail filed by the counsel of Angeles' son; that there being no objection, the presiding Judge of Branch 75, Hon. Jaime F. Bautista, issued an order dated September 6, 1993 reducing the recommended bail from the total amount of ₱204,500.00 to ₱43,500.00 for the provisional liberty of Angeles' son; that believing the overtures of Angeles that her son was innocent, he suggested to Angeles that she should talk to and convince the police officer concerned (Orig) so that the latter would desist from further prosecuting the case of attempted homicide; that at around 9:00 o'clock in the morning of October 20, 1993, Angeles' grandson approached him and asked him if he could see his grandmother who was then at the RTC canteen; that he told the grandson to ask his grandmother to go upstairs as the criminal cases against her son were then scheduled for trial; that Angeles's grandson pleaded for him to come down as his grandmother was suffering from a swollen foot; that he acceded to the request and went to see Angeles inside the aforesaid canteen; that while inside, he was called by Angeles and was handed something wrapped in a big scarf; that thinking that it was an affidavit of desistance executed by Orig since the defense had been postponing the cross-examination of Orig as they (Orig and Angeles) were settling the civil aspect of the attempted homicide case and since Orig was then present, he took hold of the scarf and spread the same to see what was inside; that to his surprise, he saw paper money bills inside and it occurred to him that the money was intended to satisfy the civil aspect of the criminal cases against Angeles' son or that the same was intended for the cash bond which Angeles' son would post for his provisional liberty; that before he was able to inquire from Angeles about the money, agents of the NBI arrested him.

The recommendation of the Secretary of Justice to dismiss respondent Amelito S.G. Perfecto from the service with forfeiture of all benefits under the law is based on the findings of the incredulity of respondent's allegations that what was handed to him by complainant Angeles which was wrapped in a big scarf was only an affidavit of desistance and not money. He also found respondent Perfecto's acts as far from being legitimate attempts at settlement but was indeed acts of extortion in that if the money was really intended for Orig as settlement of the case of attempted homicide, respondent, who has already inside the courtroom, should not have gone back to the canteen to receive the money himself from Angeles. Moreover, respondent Perfecto failed to controvert the NBI's evidence which found positive for fluorescent powder in his right hand. There can therefore be no question that the amount of ₱15,000.00 given by Angeles to respondent Perfecto was in consideration of the promised release of Angeles' son from detention.

I concur with the findings of the Secretary of Justice. The dubious character of the acts charged as well as the motivation which induced respondent Perfecto to commit them were clearly demonstrated. It is a patent manifestation of how respondent Perfecto used his Office to serve his nefarious ends. This is manifestly a disgraceful misconduct meriting administrative sanction.

WHEREFORE, premises considered, respondent Amelito S.G. Perfecto, State Prosecutor detailed in Valenzuela, a sub-station of the Kalookan Prosecutor's Office is hereby found liable for grave misconduct. Consequently thereto, his dismissal from the service with forfeiture of all benefits under the law is hereby imposed.

Done in the City of Manila this 17th day of February, in the year of our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 117

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 117 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila : Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 118

IMPOSING ADMINISTRATIVE PENALTIES ON MAXIMO B. LIM, REGIONAL DIRECTOR, REGIONAL OFFICE NO. VIII, MELENCIO BALANAG, REGIONAL DIRECTOR, REGIONAL OFFICE NO. XII AND BIENVENIDO ELORCHA, ASSISTANT REGIONAL DIRECTOR, REGIONAL OFFICE NO. VIII, DEPARTMENT OF LABOR AND EMPLOYMENT.

This refers to the administrative cases against three (3) officials of the Department of Labor and Employment (DOLE), namely: MAXIMO B. LIM, Regional Director, Regional Office No. VIII, MELENCIO BALANAG, Regional Director, Regional Office No. XII and BIENVENIDO ELORCHA, Assistant Regional Director, Regional Office No. VIII.

Records yield the following facts:

On September 23, 1992, Undersecretary Cresencio B. Trajano, Resident Ombudsman of DOLE, charged, among others, Lim and Elorcha with dishonesty, grave misconduct and gross negligence for the loss of P345,000.00 in the general fund of Regional Office No. VIII, Tacloban City including remittances to the Government Service Insurance System and the PAG-IBIG fund.

On the same date, the DOLE Secretary issued an order directing Lim and Elorcha to file their respective answers to the charges within five (5) days from receipt of said order. Simultaneously a team was directed to investigate the alleged anomalies.

On December 15, 1992, the investigation team submitted a final investigation report finding Lim guilty of eight (8) counts of gross negligence, upon the following findings and/or committed as follows:

- a. countersigning checks signed by the Administrative Officer (Wilma Diloy) while she (Diloy) was on official leave of absence;
- b. giving Diloy blanket authority to issue checks for whatever purpose and without limit as to amount;
- c. an irregularity whereby Wilma R. Diloy is the payee and at the same time the countersigning authority;
- d. resort by the administrative officer and cashier to private loans to pay for salaries of DOLE-RO8 employees;
- e. delayed and/or non-remittance of mandatory deductions for GSIS, HDMF and BIR;
- f. conversion of funds allocated for office supplies;
- g. illegal disbursements of the One Hundred Thousand (P100,000.00) Pesos DOLE disaster fund and non-distribution of some relief goods for Ormoc City flood victims; and
- h. massive issuance of checks with no corresponding vouchers and supporting documents.

The DOLE Secretary recommended that Lim be meted the penalty of one (1) year suspension (after considering his 14 years of service) for gross negligence, stating that:

“5. By ordinary standards, the omission with which respondent Lim is charged indeed show palpable or flagrant neglect of duty.

“6. Records clearly show that the application for leave of absence of Administrative Officer Wilma R. Diloy for the period from June 24 to August 31, 1992 was approved by no other than respondent Lim himself. As such, it was grossly negligent for him to have signed the checks on August 10, 1992, being fully aware that co-respondent Diloy was wanting in authority then, having been on official leave at the time.

“7. With respect to other acts of gross negligence imputed to respondent Lim by the Investigating Team, the undersigned finds the Answer/comment of Director Lim, satisfactory.

“8. Records further show that Director Lim took decisive steps to check the anomalies when he referred the matter to the Resident Ombudsman for investigation, initiated corrective measures, requested for the investigation of the matter before the COA and the DOLE Central Office, thereby voluntarily placing himself under investigation.”

The same investigation report found Elorcha guilty of grave misconduct for the payment of the FY 1991 clothing allowance of DOLE regional employees out of FY 1992 funds.

With respect to Balanag, records show that, per investigation, he exceeded his authority when he purchased P93,620.00 worth of radio receivers and accessories x x x “/when/ per Memorandum dated December 2, 1987 of then Undersecretary Dionisio dela Serna, he was only allowed to spend 20,000.00 of MOE funds for that purpose.”

DOLE Secretary Nieves Confesor, in a memorandum dated February 16, 1993, recommended that Lim be adjudged guilty of one (1) count of gross negligence and that he be meted a penalty of one year suspension (after considering his 14 years of service), observing that:

“11. A review of the records reveal that the Request for Obligation of Allotment (ROA) for the said clothing allowance was made by the Budget Officer on January 9, 1992. Likewise, said records show that one of the checks issued for the same, check number 830299, which was countersigned by respondent Elorcha was dated January 10, 1992. It is thus clear that at the time the said voucher was issued on November 29, 1991, there were no funds available for the payment thereof. Such authorization is a flagrant violation of Section 49, PD 1177 which provides that:

‘Every payment made in violation of the General Appropriations Act is illegal and every official or employee authorizing or making such payment, or taking part therein, and every person receiving such payment shall be jointly and severally liable to the government for the full amount so paid or received; that any official or employee of the government knowingly incurring any obligation or authorizing any expenditure in violation of the provisions thereof shall be dismissed from the service, after due notice and hearing by the duly authorized appointing official.’

The DOLE Secretary also recommended that Balanag be found guilty of grave misconduct for having violated the General Appropriations Act, and be penalized with one (1) year suspension.

In compliance with the Order of this Office, dated March 17, 1993, Lim, Elorcha and Balanag filed their respective answers, pertinent portions of which read:

LIM:

“43. In accusing Respondent of gross negligence, the DOLE Secretary simply relied on the findings of the Investigation August 1992, Respondent issued the 6 checks without the proper countersignature of an authorized officer.

“44. The 6 checks could not have been signed on 10 August 1992 because at that time, the independent Internal Control Unit (ICU) created by Respondent was already in place. (See paragraph 3.7.2 hereof and Annexes 29-A and 29-224 of Respondents Answer dated 2 October 1992). There was nothing in the official logbook of the ICU relative to the issuance of checks that would show that the 6 checks were indeed issued in the month of August. (See Annexes 9 and 10 of Respondent’s October 1992 Answer). On the contrary checks numerically proximate to the controversial 6 checks appeared in the records of this case as having been issued in the month of July 1992.

“xxx

xxx

xxx

“46. Granting pro hac vice that the checks were issued by Respondent and signed on the date alleged, there was no showing that by such acts, the government was injured or prejudiced. On the contrary, the Committee itself admitted that the six (6) checks covered the payment of salaries of and were actually received by the DOLE RO8 employees. Essentially, the Committee findings indicate that while there may have been violation in the issuance of the checks, there was no damage or injury to the service as the employees were nevertheless paid their salaries.”

“The fact that the Administrative Officer counter-signed the same as recommending authority while she was on leave in no way affects its validity. The administrative officer countersigned the checks as a matter of convenience probably because she is one of the authorized signatories recognized by our service bank.

“Note that payment for salaries is a regular mandatory obligation of the government to its employees. The recommendation and the consequent approval of the checks for the payment of compensation does not involve acts of discretion. The approval of the same is ministerial act.

“The six checks were therefore approved by respondent Lim within the scope of his authority as Regional Director.

“What the Secretary of Labor failed to appreciate is, that Respondent, knowing fully well that the head of office is the sole authority to approve the checks, assumed full responsibility for the consequences of such approval, notwithstanding the fact that the administrative officer was on leave.

“The ministerial approval of the checks were merely a culmination of a process of obligating the allotment of funds for the purpose by the accountant, preparation of the vouchers and payrolls by the cashier and the review of the

results by the Administrative officer who recommends as a matter of course the obligation for payment to the Regional Director.

“The operational effect of Diloy’s signature in the check is simply to confirm that these processes are in order. After which it becomes now merely ministerial for the Assistant Director to counter-sign the checks and for Respondent Lim to approve the same. Note that this partakes of the nature of a priority mandatory obligation.”

ELORCHA:

“Thus, in the unlikely recommended charge of grave misconduct allegedly committed by the undersigned in relation to this payment of the 1991 clothing allowance out of the 1992 funds, he respectfully submits for consideration copy of the voucher marked as Exhibit ‘9’ for said allowance prepared on 29 November 1991 where it was apparent that the purpose was ‘to cash advance to defray our clothing allowance for the year 1991 in the amount of SIXTY EIGHT THOUSAND PESOS (P68,000.00),’ and that it was certified by the Accountant as ‘adequately funded’. Xerox copy of the ‘Request for Obligation of Allotment’ is likewise attached as Exhibit ‘9-a’ whereby as requested by the Budget Officer Nimfa T. Seno, the Chief Accountant Imelda B. Alcaraz, certified that ‘unobligated allotment are available for the obligation herein described in the amount specified above’, and the description of the obligation was ‘to cash advance to defray for our clothing allowance.’

“Under all circumstances, whenever payrolls, vouchers, checks and other official documents are presented to the undersigned, in the absence of the Regional Director, and where these are presented in a given statement of facts and in a prescribed form, the same are presumed to have passed upon the regularity of office functions. And honestly believing his co-employee strictly adhered to existing rules and policies in obedience to the mandate of legal authority, the undersigned would have no alternative but to exercise the ministerial duty reposed upon him. Upon the face of the documents prevented by the technical personnel, undersigned was misled into honestly believing that part of the amount for the payment of the 1991 clothing allowance was in order.”

BALANAG:

“On November 27, 1986, the DOLE Regional Office requested authority from the Secretary to use the regular MOE funds in the amount of P20,000.00 for the purchase of four to five VHF handsets and accessories which was approved under a Memorandum dated December 2, 1987 issued by then Undersecretary Dionisio C. de la Serna, acting for the Secretary in his capacity as Undersecretary for Regional Operations and by virtue of Section 11(f) of the General Appropriations Act on the ‘Use of Savings’ and along the principle that the Secretary is the alter ego of the President. On the basis of said authority, four (4) units of VHF handheld transceivers together with some accessories were purchased from Transcommunication & Electronics Specialist Sales. These

transceivers were then the subject of an application for Registration of Radio Transmitter/Transceiver during the middle part of 1988, sometime July & August, in order to avail of the amnesty granted to VHF radio transceiver holders who did not possess the authority to purchase such equipment prior to their actual acquisition. This explains why the application for registration indicated 'already acquired' instead of directly naming the source.

"Sometime in 1989, out of the capital outlay for radio telecommunications amounting to P33,000.00, two (2) units of ICOM Base and a number of VHF handheld sets were also acquired by the office. All these units were duly registered with the NTC as a basic requirement for the approval of the establishment of DOLE Region XII's radio network. Consequently, therefore, a Radio Station License was issued to DOLE XII on December 12, 1989. It is worthwhile elucidating that not all the items contained in the property inventory list of Region XII for the year 1990, more particularly the VHF accessories, were purchased out of the capital outlay funds. The law does not prohibit the purchase of the accessories out of the regular MOOE funds."

When respondent Lim affixed his counter-signature on the pertinent checks, he knew or at least supposed to know that his co-signatory's (Administrative Officer Diloy's) signature thereon was flawed, the latter being on a leave of absence at that time. I agree with the DOLE Secretary in finding respondent Lim guilty of gross negligence in having signed the said checks on August 10, 1992, being fully aware that co-respondent Diloy was without authority at that time to sign checks as she was on official leave.

Respondent Elorcha's explanation vis-a-vis the payment of the CY 1991 clothing allowance out of the CY 1992 appropriated funds is that the corresponding voucher was certified by the Accountant as adequately funded." Elorcha, as he claims, had no participation in the "collusion and concealment of the misdeeds of the IMSD personnel," he should have had questioned the obvious irregularity of the payment.

As found by the office a quo, respondent Elorcha violated Presidential Decree No. 1177, particularly Section 49 thereof, in countersigning the check no. 830299, dated January 10, 1992 when he knew that the Request for Obligation of Allotment (ROA) for the said clothing allowance was made by the Budget Officer on January 9, 1992. Hence, at the time the subject voucher, covering the CY 1991 clothing allowance was issued on November 29, 1991, no funds was available for the payment thereof.

The circumstances alone that Elorcha countersigned the check does not, I agree, per se make him culpable. As an executive officer, however, his office extends to guarding against irregularities which may involve or lead to corruption. I am nagged by the fact that the respondent did not take that extra effort befitting a responsible manager to make inquiries that something had been amiss somewhere.

Respondent's inaction, i. e. his failure to question the voucher and the check for his counter-signature, which appears irregular, amounts to negligence and dereliction of duty which he cannot be fully exonerated from nor be held entirely blameless where he failed to exercise proper supervision over his subordinates.

Apropos respondent Balanag's case, records do not show that he was formally charged. However, he received the Order of this Office dated March 17, 1993, furnishing him with a copy of the memorandum of the DOLE Secretary containing the charge of "grave misconduct" and directed to answer the said charge. x x x There is no violation of procedural due process even where no hearing

was conducted for as long as the party was given a chance to present his evidence and defend himself (Domingo vs. DBP, 207 SCRA 766).

I find respondent's answer wanting in explanation as to his inculpability of the charged aforementioned. A perusal of the report of Labor Assistant Secretary Liwayway M. Calalang in her memorandum of July 12, 1991, pertinently stated below, convinces me of respondent Balanag's violation of the General Appropriation Act:

"3. On 3 July 1992, we received his written explanations and noted the following:

Part of Documents Submitted	Remarks
Abstract of Canvass	already bears the signature of Dir. Balanag while that of COA is unsigned
Inspection Report (IR)	COA's file does not bear the signature of Roland Villacorta and Felix Erlas while the submitted IR is already signed; deviation in the presentation of entries like the date
Request for Price Quotation from Suppliers	COA was not furnished with these documents

Based on the above findings, it can be deduced that the document submitted were made long after the transaction was affected to prove the purchase of supplies.

"4. On his explanation that he sought authority to use MOE funds to purchase radio transceivers and handheld set from then Undersecretary dela Serna, please be informed that the same authority has explicit condition 'provided that the disbursement thereof shall be in accordance with usual and existing government accounting regulations and auditing procedures.' Also, it appears that he has abused said authority since his actual purchases are more than the requested amount (P20,000.00).

"5. There was no capital outlay for 1987 and 1988 while he claimed that the radios were purchased before 1989 and availed of the amnesty on radios at the even year. For 1989, capital outlay is for P202,000 of which only P33,000 is for radio telecommunications equipment.

"6. Per RO 12 Inventory of Equipment as of December, 1990, P93,620 is posted for radio telecommunications equipment as against P33,000 authorized and funded for the same.

"It is very clear therefore that the RO incurred an unauthorized disbursement for capital/equipment outlay in the amount of P60,620 as shown below:

Authorized capital outlay for	1987	P
telecommunications equipment	1988	
	1989	P33,000
	1990	-
		P33,000
Less Cost of Equipment per December		
1990 inventory report		<u>P93,620.</u>
Excess/Unauthorized disbursement		(P60,620.)
		=====

“The ‘purchase’ of supplies from Elena V. Co Hardware amounting to P62,848.95 apparently was made to cover up for the unauthorized purchase of radio transceivers amounting to P60,620.”

While then DOLE Undersecretary Dionisio dela Serna reposed upon Balanag the authority to purchase radio telecommunications equipment, I note that the latter’s authorization was for an amount not to exceed P20,000.00 out of department funds. From the foregoing report, it is clear that Balanag’s purchases of the subject equipment totalled P60,620.00. Respondent Balanag exercised his authority in a capricious and whimsical manner amounting to misconduct in incurring unauthorized disbursement for capital/equipment outlay of P60,620.00 or P40,620.00 beyond the limit allowed him. Misconduct connotes a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. (Moreno, Philippine Law Dictionary Moreno, 1972 edition at p. 394) A public officer who goes outside the scope of his duty is not entitled to protection on account of his office and is liable for his acts like any private individual (Martin on Administrative Law, Law of Public Officers and Election Law, 1983 edition at p. 323).

WHEREFORE -

1. Regional Director Maximo B. Lim is hereby adjudged guilty of gross negligence.
2. Assistant Regional Director Bienvenido Elorcha is hereby adjudged guilty of grave misconduct.
3. Regional Director Melencio Balanag is hereby adjudged guilty of misconduct.

Accordingly, as recommended by the Labor Secretary, the three (3) respondents are hereby suspended for one (1) year without pay, with a stern warning, however, that a repetition of the same or similar acts will be dealt with more severely.

(Sgd.) FIDEL V. RAMOS

23 February 1994

By the President:

(Sgd.) TEOFISTO T. GUINGONA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 119
CREATION OF A LUCENA PORT INTER-AGENCY COMMITTEE

In view of the defect and problems noted in connection with the on-going construction of a commercial port in Dalahican, Lucena City, a Lucena Port Inter-Agency Committee is hereby constituted composed of the following:

- Chairman : General Manager, Philippine Ports Authority
Representative of the Secretary of Transportation and
Members : Communications
General Manager, Philippine Fisheries Development
Authority
Regional Director, Department of Agriculture
Regional Director, Department of Environment and
Natural Resources
Regional Director, Department of Public Works and
Highways
Regional Director, National Economic Development
Authority
Representative, Governor of Quezon
Representative, Mayor of Lucena City
Representative, Philippine National Police
District Commander, Philippine Coast Guard

The Committee shall have the following duties and responsibilities:

1. Formulate an integrated plan NLT 16 March 1994 for the establishment and development of a commercial port in Dalahican, Lucena City, Quezon as a component of the CALABARZON Project.
2. Consider among others the utilization of the existing Fishing Port Complex as an alternative to the present location of the commercial port.
3. Conduct consultation/dialogue with port users, local government units and the community for the smooth implementation of the project.

The Port District Office of Luzon, Philippine Ports Authority shall act as the Secretariat of the Committee.

The Committee is hereby authorized to avail of the services of other government agencies as may be necessary in the performance of its tasks.

DONE in the City of Manila, this 23^d day of February, in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 120
CREATING A PRESIDENTIAL TASK FORCE FOR THE DEVELOPMENT
OF LUNGSOD SILANGAN

WHEREAS, the government's vision of Philippines 2000 aims to provide all localities with opportunities for self-development and to widen their access to productive resources;

WHEREAS, Lungsod Silangan, consisting of 180,723 hectares covering the provinces of Rizal, Laguna and Quezon, was identified as one of the first new towns to be established with the end in view of alleviating the problems of Metro Manila;

WHEREAS, the Human Settlements Development Corporation (HSDC), by virtue of P.D. No. 1396 dated 02 June 1978, was tasked to have, as its initial project, the development of Lungsod Silangan Townsite;

WHEREAS, the HSDC has undertaken a divestment/phase-out program and has entered into a Trust Agreement with the Kilusang Kabuhayan at Kaunlaran-Processing Center Authority (KKK-PCA) to assume its remaining activities;

WHEREAS, the Government recognizes that Lungsod Silangan is a suitable site for urban development;

WHEREAS, there is now a need to reactivate and fast-track the development of Lungsod Silangan to harness its potentials;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by Law, do hereby order:

SECTION 1. Creation of a Task Force. There is hereby created a Presidential Task Force for the Development of Lungsod Silangan, hereby referred to as the "Task Force".

SEC. 2. Composition. The Task Force shall be chaired by the Executive Secretary with the Chairman of the Housing and Urban Development Coordinating Council as Vice-Chairman. Its members shall be composed of the following:

- a. Secretary, Department of Environment and Natural Resources;
- b. Secretary, Department of Agrarian Reform;
- c. Cabinet Officer for Regional Development, Region IV; and
- c. Director-General, National Economic and Development Authority.

The Task Force is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government owned and controlled corporations, for such assistance as it may need in the discharge of its functions.

SEC. 3. Functions. The Task Force shall have the following powers, functions, duties and responsibilities:

-
- a. Establish the parameters and provide the Terms of Reference (TOR) for the development of Lungsod Silangan;
 - b. Adopt a process of maximum consultation with all concerned agencies to ensure that their needs, concerns and ideas are considered in the formulation of the parameters or Terms of Reference;
 - c. Oversee and facilitate the completion of a development Plan for the Lungsod Silangan area;
 - d. Formulate innovative schemes to provide opportunities for the private sector to prepare the Lungsod Silangan Development Plan and implement projects within the Lungsod Silangan site;
 - e. Act as the interim central coordinating body and undertake issue resolution on the development of Lungsod Silangan;
 - f. Submit regular accomplishment reports to the President; and,
 - g. Perform such other tasks as may be instructed by the President.

SEC. 4. Secretariat Support. The Kilusang Kabuhayan at Kaunlaran-Processing Center Authority (KKK-PCA), in coordination with the Presidential Management Staff (PMS), shall provide the technical and administrative secretariat support to the Task Force. To assist the KKK-PCA in fulfilling its functions, it may create a planning group composed of duly designated representatives from the following agencies:

- a. Department of Agrarian Reform;
- b. Department of Environment and Natural Resources;
- c. National Economic and Development Authority;
- d. Department of Public Works and Highways;
- e. Department of Trade and Industry;
- f. Housing and Urban Development Coordinating Council;
- g. Public Estates Authority;
- h. National Mapping and Information Resource Authority;
- i. Provinces of Rizal, Laguna and Quezon;
- j. Municipalities of Antipolo, San Mateo, Baras, Tanay, Montalban, Sta. Maria, Infanta, Real and General Nakar.

SEC. 5. Funding. Expenditures of the Task Force related to the development of Lungsod Silangan shall be sourced from the unobligated portion of the interest earnings of the HSDC - KKK- PCA Trust Fund.

SEC. 6. Effectivity. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 3rd day of March, in the Year of our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 121

WHEREAS, the Ad-Hoc Committee created by Administrative Order No. 94 was given a period of ninety (90) days within which to conduct its investigation relative to various administrative charges filed against certain elective officials of the Province of Albay;

WHEREAS, considering the gravity of the charges, the number of witnesses and the volume of documentary evidence to be presented and adduced by the parties, the Ad-Hoc Committee will require an additional period of time within which it can complete its investigation;

WHEREAS, under Section 62 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, no investigation shall be held within ninety (90) days immediately preceding any local elections; and

WHEREAS, the 90-day prohibition against investigations against local elective officials became effective on 09 February 1994 as a result of the scheduled 09 May 1994 barangay elections;

NOW, THEREFORE, the Ad-Hoc Committee created by Administrative Order No. 94 is hereby granted an additional period of ninety (90) days from 09 May 1994, within which to terminate its investigation.

Done in the City of Manila, this 10th day of March, in the year of Our Lord Nineteen Hundred and Ninety Four.

By Authority of the President:
(Sgd.) **TEOFISTO T. GUINGONA, JR.**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO 122

CONSTITUTING A PHILIPPINE HOST COMMITTEE FOR THE 1994 MISS UNIVERSE PAGEANT, AND DIRECTING ALL GOVERNMENT DEPARTMENTS, AGENCIES AND OFFICES INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS TO PROVIDE ASSISTANCE AND SUPPORT THEREFOR

WHEREAS, the Philippines has successfully played host to major world conferences and other international events;

WHEREAS, in 1974, the country hosted the 1974 Miss Universe Pageant, which has been considered as one of the more successful and colorful gatherings of beauty title holders;

WHEREAS, this year, 1994, the country will again have a chance of hosting the Miss Universe Pageant;

WHEREAS, this world event will provide an excellent learning opportunity for the delegates, guests and hosts, and will serve as an entertainment forum; and

WHEREAS, the holding of the said pageant will bring international prestige, publicity, goodwill, and economic benefit to the country;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

Section 1. A Philippine Host Committee (PHC) composed of representatives from the Department of Tourism, the Philippine Convention and Visitors Corporation (PCVC), and a coalition of other government agencies, non-governmental organizations and the private sector that comprise the tourism industry, as indicated herein (ANNEX A), is hereby constituted to oversee and undertake all the necessary preparations for 1994 Miss Universe Pageant.

The Secretary of Tourism shall be the PHC Overall Chairman while the PCVC Executive Director shall be the Director-General (Refer to ANNEX B)

Section 2. All government departments, agencies and offices, including government-owned and controlled corporations, are directed to extend their assistance and support to the Miss Universe Pageant to ensure its success.

Section 3. The following specific government entities are directed to actively participate and support the PHC in the manner provided for below and in such manner, though not specified herein, as may be for the best interest of the pageant:

3.01 Department of Justice/Commission on Immigration and Deportation

To provide special entry/exit arrangements and services for all delegates to the pageant, pageant officials and guests of the Miss Universe, Inc.

3.02 Department of Foreign Affairs

To issue visas for all foreign delegates to the pageant, pageant officers and staff;
To assist in all protocol requirements of the pageant; and
To assist in disseminating information about the pageant through the country's Embassies and Consulates abroad.

3.03 Department of Trade and Industry

To assist in promoting attendance to the pageant through its network of foreign field offices.

3.04 Department of Finance/Bureau of Customs

To facilitate the entry and passage of foreign materials and equipment, including printed matters, giveaways and other paraphernalia, to be used during the different events of the pageant.

3.05 Department of Budget and Management

To facilitate processing of all documents relative to the administrative and budgetary requirements of the pageant.

3.06 Department of Transportation and Communications

To issue special commemorative car plates for the pageant, and to provide telecommunication equipment required during the pageant.

3.07 Department of Public Works and Highways

To assure that all public roads and highways within the airport area and along major thoroughfares in Metro Manila leading to and from the pageant venue are well paved and in good condition; and
To construct and install arches, billboards, and other signages announcing the holding of the pageant in strategic areas in Metro Manila, and to dismantle same after the pageant.

3.08 Department of the Interior and Local Government/League of City Mayors

To issue permits for the use of public venues during location filming of the delegates to the pageant in various parts of the country.
To maintain cleanliness in the major tourist districts and thoroughfares.

3.09 Metropolitan Manila Authority

To issue permits for the use of public venues, signage/decor installations, and traffic rerouting; and

To maintain cleanliness in the major tourist districts and thoroughfares.

3.10 Philippine National Police

To formulate and implement a security plan specifically designed for the pageant, and to provide security arrangements for the delegates, judges, guests, and dignitaries throughout the duration of the pageant;

To assist in the maintenance of local security and crowd control in the areas where the pageant activities are to be held; and

To provide manpower support for traffic rerouting and to maintain peace and order as may be required.

3.11 Manila International Airport Authority

To assist the PHC in the facilitation of the pageant delegates, staff, guests, judges, VIPs, the provision of entry passes to authorized PHC representatives, and installation, after the pageant period, dismantling of welcome streamers, pageant signages and decor at the Ninoy Aquino International Airport premises.

3.12 Bangko Sentral ng Pilipinas/Philippine International Convention Center

To extend preferential rates for the use of the PICC facilities for the pageant.

3.13 Cultural Center of the Philippines

To provide artists, talents, and when necessary, the CCP facilities, for selected pageant events as may be requested.

3.14 Duty Free Philippines/Philippine Amusement and Gaming Corporation/Philippine Charity Sweepstakes Office

To provide financial assistance to the PHC to augment the budget and to finance selected pageant activities.

3.15 Philippine Airlines (PAL)

Aside from its commitment as official carrier, to extend preferential airfare package rates and to assist the PHC in any other matters regarding airtickets, cargo and joint advertising support.

Sec. 4. The amount necessary for the 1994 Miss Universe Pageant, including the operations of the Committee, its Secretariat, working groups and advisory board shall come from the following:

- 4.01 Contribution from the income of the Duty Free Philippines, as may be allocated pursuant to Section 3 of Executive Order No. 46 dated September 4, 1986;
- 4.02 Donations, grants and contributions or any form of assistance from any government or private entities;
- 4.03 Proceeds from sales of promotional and advertising materials, collaterals, souvenir items, display paraphernalia, and gift items;
- 4.04 Income/Proceeds accumulated from the ASEAN Tourism Forum hosted by the Philippines. The above funds shall be deposited with the government bank under the trust liability account and disbursed in accordance with accounting and auditing rules and regulations.

Sec. 5. The Committee shall be authorized to pay honorarium to those who will be involved with the Miss Universe Pageant project subject to existing accounting and auditing rules and regulations.

Sec. 6. PHC, through the DOT and PCVC, shall coordinate the effective implementation of this Order.

Sec. 7. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 11th day of March, in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

References: Annexes A and B

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 123
IMPOSING THE PENALTY OF FINE EQUIVALENT TO ONE MONTH'S SALARY ON
PROVINCIAL PROSECUTOR CLAUDIO NISTAL OF AGUSAN DEL SUR AND APPROVAL OF
HIS APPLICATION FOR OPTIONAL RETIREMENT

This refers to the administrative complaint filed against Provincial Prosecutor Claudio Nistal of Agusan del Sur for Irregularities in the Performance of Duty amounting to Inefficiency and Incompetence in the Performance of Official Duties in connection with the order of dismissal issued by him of a criminal complaint for Rape with Homicide.

Records show that on May 24, 1990, an affidavit/complaint was executed by Josefina Margin at the PNP Station, San Francisco, Agusan del Sur accusing Daniel Tomas, Saturnino Pastor, Pablo Lonzaga and Pablito Tukbo of having raped and killed her daughter on May 23, 1990 at around 8:00 P.M. on May 30, 1990, P/Sgt. Paciano P. Ladera filed the complaint together with the sworn statements of other witnesses docketed as Criminal Case No. 1953 before Judge Ciriaco C. Arino of the Municipal Circuit Trial Court of San Francisco, Rosario and Bunawan, Agusan del Sur.

On June 15, 1990, after counter-affidavits were filed by the accused, Judge Arino issued a resolution finding probable cause against the accused and ordered the records of the case forwarded to the office of the Provincial Prosecutor of Agusan del Sur for appropriate action.

The records were received by the Provincial Prosecutor's Office on June 18, 1990 and, on June 20, 1990, respondent assigned the case to Prosecutor Victoriano Pag-ong who, the following day, subpoenaed P/Sgt. Paciano Ladera to appear on June 28, 1990 for preliminary investigation.

But on June 28, 1990, while the records of the case were still with Prosecutor Pag-ong, respondent issued a resolution dismissing the case on the ground of insufficiency of evidence on the basis of which the accused were released from detention.

On July 11, 1990, Prosecutor Pag-ong issued a subpoena to Provincial Warden Sulapas to explain the reported release of the accused.

On the same day, the Provincial Warden Sulapas appeared before Prosecutor Pag-ong's office, and furnished him with a copy of respondent's resolution.

Hence, on the same day, Prosecutor Pag-ong, in a letter to respondent, returned the records of the case to respondent since the latter had opted to personally act on the case.

However, on July 12, 1990 respondent issued a Supplemental Resolution lifting his June 28, 1990 resolution and directing that an information for Rape with Homicide be filed.

On July 13, 1990, the victim's parents learned of the release of the accused and on July 16, 1990, after meeting with respondent who offered no explanation for his action, sent a letter to the Department of Justice requesting for an investigation of the actions of respondent.

On July 18, 1990, the respondent filed the Information for Rape and Homicide with the Regional Trial Court pursuant to his Supplemental Resolution dated July 12, 1990.

On July 24, 1990, the Undersecretary of Justice Silvestre Bello sent a 1st Indorsement to respondent directing him to explain his patently conflicting resolutions which are “bereft of any basis, in fact and in law x x x”.

In his 2nd Indorsement dated August 12, 1990, addressed to the Hon. Silvestre H. Bello III, respondent explained that he issued resolution dated June 28, 1990 dismissing the case which resulted in the immediate release of Daniel Tomas, et al., on the strength of the representation of the father of the accused that the case had already been amicably settled and promise to submit the written agreement with the complainant the following day; but that he recalled this order and filed the case in court when the father of the accused failed to submit the written amicable settlement.

On August 24, 1990, Eugenio Margin sent a letter to Undersecretary Bello denying that any amicable settlement had been discussed.

On February 4, 1991, Undersecretary Bello instructed Eugenio Margin to send his complaint in a form of a sworn statement.

On February 12, 1991, Eugenio Margin filed his original complaint dated July 16, 1990 this time duly sworn to on February 5, 1991. The complaint was filed with the Department of Justice and the Ombudsman. The case was assigned to State Prosecutor Hernani Barrios for investigation.

In his position paper dated October 4, 1991, respondent submitted that he signed his June 28, 1990 resolution without full knowledge of the facts and surrounding circumstances because for the past two (2) years, he had been suffering from poor retentive memory and impaired judgment due to neurological imbalance, as certified by a Dr. Rogelio Hunching H. Chua. However, he claims that the unintentional dismissal of the case was immediately rectified by his supplemental resolution, the filing of the information and the rearrest of the accused and that due to his mental problems, he has decided to file an application for an optional retirement.

After evaluating the evidence and papers submitted in the administrative case, Acting Secretary of Justice Silvestre H. Bello III recommended the imposition of the penalty of fine equivalent to a salary of six (6) months upon respondent anchored on the following findings of irregularities in the issuance of respondent’s resolution dated June 28, 1990.

First, respondent violated Rule 112, Section 5 of the Rules of Court which mandates that should the provincial or city fiscal disagree with the findings of the investigating judge on the existence of probable cause, the fiscal’s ruling shall prevail but he must explain his action in writing furnishing the parties with copies of the resolution. As found by Acting Secretary Bello: “Respondent violated the rule of procedure when he issued the resolution dated June 28, 1990 dismissing the case, as he did not explain his action as to how he disagrees with the findings of the investigating judge on the existence of the probable cause. What he merely stated was that after a careful perusal of the evidence, he found them to be insufficient to establish a *prima facie* case. If his resolution is to prevail over that of the investigating judge, he has to resolve the factual and legal issues presented by the case, otherwise, he is required to file the information when the evidence on record fully justify the latter action. Respondent also did not furnish the parties with copies of the resolution. He also stated that a petition for reinvestigation had been filed before his office pursuant to which he made a reinvestigation. However, no such petition for reinvestigation can be found in the records. If there was one, then the petition should have been handled by Prosecutor Pag-ong to whom the case was assigned.

Second, another irregularity committed by respondent is “the fact that while the case was assigned to Prosecutor Pag-ong, respondent took action by himself.” Indeed, this was not in accordance with set practice as the records of the case were still with the assistant Prosecutor whom he assigned to investigate and study the case. Pursuant to a memorandum circular of the Secretary of Justice, the assistant prosecutor has ninety (90) days within which to solve the case and the provincial/city

prosecutor has ten (10) days from receipt thereof to take appropriate action. In this case, respondent acted on the case eight days after the case was assigned by him to Assistant Prosecutor Pag-ong without waiting for the latter's recommendation of informing the Assistant Prosecutor and the complaint of his action.

The commission of these irregularities was admitted by respondent but he offered the defense that he was suffering from mental imbalance and that no prejudice resulted because the information was eventually filed.

However, the recommendation of the Acting Secretary did not discuss the defense of the respondent that his actions were caused by neurological imbalance, resulting in impaired judgment and poor memory. Parenthetically, respondent's position paper dated October 4, 1991 pleading lack of knowledge of the case due to neurological abnormality does not mention that he "drank alcoholic beverage heavily" as alleged in the narration of facts of the Acting Secretary. At any rate, the veracity of this claim of mental ailment as well as its implication on respondent's administrative liability should not have been ignored as these issues are essential in giving determining culpability. The recommendation does not discuss the result of the investigation conducted by Special Prosecutor Hernani Barrios.

A reinvestigation of this case in order merely to clarify the truth of respondent's defense appears to be a futile exercise considering that the acting Secretary has recommended the approval of respondent's application for optional retirement, which is based on his alleged mental condition. This recommendation is tantamount to giving credence to the allegation and supporting medical certifications that respondent was indeed suffering from mental imbalance.

However, the irregularities did result in prejudice to the administration of justice because the accused were set free thereby straining the resources of the government in effecting their rearrest and causing anxiety to the victim, her relatives and witnesses. Respondent did not act promptly to prevent prejudice to public service by filing his application for optional retirement upon the first signs of mental imbalance.

On the other hand, there is no finding that respondent received monetary consideration in exchange for the initial dismissal of the criminal case or of any cause for the irregularities but in fact the Acting Secretary cites respondent's previous exemplary performance and conduct. This exemplary record and his mental/physical condition should serve as extenuating circumstances.

Considering the aforesaid extenuating circumstances, respondent deserves a lesser penalty of fine equivalent to one month's salary as this would suffice to serve as an example to others that laxity in the performance of duty will not be tolerated.

WHEREFORE, respondent is found **GUILTY** of committing irregularities in the performance of duties and meted a penalty of **FINE** equivalent to one month's salary. This sanction does not constitute an impediment to enjoyment of retirement benefits, hence his application for optional retirement is hereby approved.

Done in the City of Manila, this 14th day of March, in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 124

AMENDING ADMINISTRATIVE ORDER NO. 77, DATED AUGUST 18, 1993, ENTITLED
“CREATING A PHILIPPINE NATIONAL COMMISSION FOR THE PHILIPPINE
FESTIVAL OF ARTS AND CULTURE IN FRANCE AND OTHER COUNTRIES OF
EUROPE IN 1994 REVOLVING AROUND THE SPECIAL EXPOSITION IN PARIS OF THE
TREASURES FOUND IN THE ‘SAN DIEGO’ GALLEON”

By virtue of the powers vested in me by law, I, FIDEL V. RAMOS, President of the Philippines, do hereby amend Administrative Order No. 77, dated August 18, 1993, entitled “Creating a Philippine National Commission For The Philippine Festival Of Arts And Culture In France And Other Countries Of Europe In 1994 Revolving Around The Special Exposition In Paris of the Treasures Found in the ‘San Diego’ Galleon” by 1) changing the title thereof to read as follows: “CREATING THE PHILIPPINE NATIONAL COMMISSION FOR THE 1994-1995 PHILIPPINE FESTIVAL OF ARTS AND CULTURE IN FRANCE AND OTHER EUROPEAN COUNTRIES”, and 2) membership of the Commission to change from Chairman, PLDT to the President, PLDT.

Done in the City of Manila, this 17th day of March, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 125
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION OF
PHILIPPINE INDEPENDENCE DAY ON 12 JUNE 1994

Pursuant to the powers vested in me by law, I, FIDEL V. RAMOS, President of the Philippines, do hereby create a National Committee to take charge of the celebration of Philippine Independence Day on 12 June 1994.

The Committee shall be composed of the following:

Secretary of Education, Culture and Sports	- Chairman
Secretary of National Defense	- Vice-Chairman
Secretary of Foreign Affairs	- Member
Secretary of Agriculture	- Member
Secretary of Public Works and Highways	- Member
Secretary of Finance	- Member
Secretary of Labor and Employment	- Member
Secretary of Interior and Local Government	- Member
Secretary of Tourism	- Member
Secretary of Transportation and Communications	- Member
Secretary of Social Welfare and Development	- Member
Secretary of Budget and Management	- Member
Press Secretary	- Member
Chief of Staff of the Armed Forces of the Philippines	- Member
Chief of the Philippine National Police	- Member
Head, Presidential Management Staff	- Member
Chief of Presidential Protocol	- Member
Chairman, Metro Manila Authority	- Member
Chairman of the National Historical Institute	- Member

The Committee shall meet at the call of the Chairman and for purposes of discharging its functions, it may create such sub-committees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, for such assistance as it may need in the discharge of its functions.

Done in the City of Manila, this 21st day of April, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 126
IMPOSING THE PENALTY OF FORCED RESIGNATION ON CITY PROSECUTOR
CASIANO VAILOCES OF DANAOK CITY

This is an administrative case against City Prosecutor Casiano Vailoces of Danao City (hereinafter referred to as "respondent prosecutor") for corruption and illegal and immoral acts.

In a letter of Justice Secretary Franklin M. Drilon, dated September 29, 1992, Danao City Mayor Jesus D. Durano requested the immediate replacement of respondent prosecutor on grounds of corruption. Attached to the letter was a petition jointly signed by five (5) presidents of various civic and workers' organizations, namely: Alfredo Gorre of Danao United Vendors' Association; Julius Caesar Arsena, M.D. of Titane; Patrick Sucalit of Fishermen Association; Nestor Sabayton of Workers' League of Danao and Orlando Reyes of Parish Youth Council, requesting an investigation. Also attached to the same letter was the complaint-affidavit of Aniceto Galon, wherein he alleged that (a) he was charged with violation of Presidential Decree No. 1866 or for illegal possession of firearms in three (3) separate cases and (b) as consideration for the dismissal of these charges, respondent prosecutor demanded ₱15,000.00 for each case.

An investigation of the case was subsequently conducted, during which the following transpired:

(1). Aniceto Galon alleged that he was charged with illegal possession of firearms in three (3) separate cases. As consideration for the dismissal of these complaints, respondent prosecutor demanded ₱15,000.00 for each case. For the first case, Galon himself delivered the amount demanded. Payments for the second and third cases were delivered by Mrs. Lourdes Dacillo, Galon's sister. Subsequently, on December 27, 1992, respondent prosecutor sent a note to Galon, addressing him therein as "Dear Antong", demanding, on a pretext of a loan for two (2) señorita revolvers. (underscoring supplied).

(2). Mrs. Lourdes Dacillo testified that she went to the residence of respondent prosecutor twice to deliver ₱15,000.00 to the latter on each occasion. The second time she went to respondent prosecutor, the latter scolded her for having brought along her two daughters who witnessed him receiving the money.

(3). Alfredo Gorre, a businessman engaged in lending money, declared that respondent prosecutor assisted him in collecting receivables for which a 20% commission was demanded by respondent prosecutor. The commission was paid over to respondent prosecutor.

(4). Lucita Galinto, an employee in the City Prosecutor's Office, alleged that respondent prosecutor sent him to deliver the "Dear Antong" note to Galon who gave her a small package wrapped in a cement bag which she delivered to respondent prosecutor in the latter's office.

(5) For his part, respondent prosecutor denied the charges against him. He stated that the Galon complaint and petitions were prepared documents and signed as accommodation to Mayor Durano, the alleged authors being blind followers of the Mayor. He added that he was caught in the cross fire of warring politicians in Danao City. Although admitting that he authored the “Dear Antong” letter, respondent prosecutor asserted that he was merely ordering toy guns for Christmas gifts.

(6). Although represented by counsel, respondent prosecutor personally conducted the cross-examination of the witnesses against him.

After termination of the formal investigation, the Office of the Regional State Prosecutor, Region VII, Department of Justice, found respondent prosecutor guilty of grave misconduct and recommended his dismissal from the service. The Secretary of Justice, likewise, recommended the dismissal of respondent prosecutor.

In the standard of moral certainty, the charge of corruption has been established. The declaration of the complainant’s witness in this regard was firm despite the gruelling cross-examination by respondent prosecutor. As the Secretary of Justice aptly observed, the convergence of circumstances relative to the dismissal of the complaints *vis-a-vis* payment of amounts demanded and received by the respondent prosecutor was inextricably intertwined with each other, thereby indubitably establishing the fact of corruption.

The “Dear Antong” note further bolstered and utter depravity of respondent prosecutor. Having found the ease and facility with which he had accomplished his demands of payment from Galon, he was emboldened to make new demands, in kind, from the latter.

Given the unsavory character displayed by respondent prosecutor in his dealings with Galon, it is not farfetched to assume that his transactions with Gorre, conveniently styled as “commissions” were similarly tainted. Clearly, respondent prosecutor had no qualms and reservations about using his office and position for his own selfish ends which, as exemplified by the complaints, were inconsistent with his duty as a public officer to dispense justice.

Respondent prosecutor’s defense of political oppression and harassment cannot be accorded credence. As it were, respondent prosecutor, by his own actuations, provided the evidence of his unfitness to remain in the government service. *However*, for someone who has practically spent his whole life with the government (29 years in government service, about 14 years of which with the Prosecution Service) dismissing the respondent from the service may be too harsh a penalty.

WHEREFORE, the penalty of forced resignation is imposed on City Prosecutor Casiano Vailoces effective immediately.

DONE in the City of Manila, this 22^d day of April, in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 127
**CREATING TASK FORCE *BILIS* FOR THE NINOY AQUINO INTERNATIONAL
AIRPORT TERMINAL III PROJECT**

Section 1. There is hereby created Task Force *Bilis*, hereinafter referred to as the “Task Force”, for the Ninoy Aquino International Airport (NAIA) Terminal III Project, which shall be composed of a representative from the Department of Transportation and Communications as the lead agency and the following departments/agencies as members:

Department of Public Works and Highways
Department of Tourism
Air Transportation Office
Manila International Airport Authority
Philippine Air Force
Civil Aeronautics Board
Bases Conversion and Development Authority

Section 2. The member agencies of the Task Force shall designate and detail on a full-time basis personnel from their department/agency to assist the project proponent, Asian Emerging Dragon Group, Inc., address the day-to-day operational problems and concerns relative to the plans and programs with reference to the construction of the NAIA Terminal III at the Villamor Air Base, including the smooth transfer of the Philippine Air Force Headquarters to a new site.

Section 3. The Task Force shall observe the following guidelines:

- a. There is no new office created nor is additional budget outlay appropriated on account of the creation of this Task Force; and
- b. The Task Force members shall perform their respective activities as part of their normal and relevant functions without additional compensation for their designated representatives.

Section 4. The Task Force shall coordinate with and submit regular reports to the Presidential Committee on Flagship Programs and Projects.

Section 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 23rd day of April, in the Year of Our Lord, Nineteen Hundred and Ninety Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 127-A
RECONSTITUTING TASK FORCE BILIS CREATED UNDER ADMINISTRATIVE ORDER
NO. 127 FOR THE NAIA AND CLARK AIRPORT PROJECTS

SECTION 1. Section 1 of Administrative Order No. 127 is hereby amended to read as follows:

“Section 1. There is hereby created Task Force *Bilis* for the NAIA as well as the Clark Aviation Complex airport projects, to be composed of senior officials of the following offices/agencies;

Department of Transportation and Communications – Chairman
Department of Public Works and Highways
Department of Tourism
Department of Finance
CORD, Region 3
Manila International Airport Authority
Air Transportation Office
Philippine Air Force
Civil Aeronautics Board
Bases Conversion Development Authority
Clark Development Corporation
Clark International Airport Corporation
Presidential Committee on Flagship Programs and Projects
BOT Center, CCPAP
Philippine National Construction Corporation
Philippine National Railways

The Task Force shall ensure proper coordination in the over-all development of the NAIA and the Clark Aviation Complex, and shall submit its recommendations within sixty (60) days.”

SEC. 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 22nd day of August, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) RUBEN D. TORRES
Executive Secretary

Source **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos. : 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 128
IMPOSING THE PENALTY OF SUSPENSION OF PROSECUTOR CRISPULO R. TRUYA
FOR ONE YEAR WITHOUT PAY AND THE FORFEITURE OF HIS SALARIES/BENEFITS
DURING SAID PERIOD.

This refers to the administrative complaint filed *motu proprio* by the Department of Justice against Assistant Provincial Prosecutor Crispulo Truya of Cebu for grave misconduct.

Records disclose that sometime during the last week of September 1993, an informal investigation was conducted by Cebu Provincial Prosecutor Oliveros E. Kintanar on the report that Prosecutor Truya extorted from Marilyn Benting the amount of ₱300.00 to be used as grease money for Provincial Prosecutor Kintanar, and another ₱200.00 to be given to Prosecutor Truya's clerk ostensibly to expedite the release of Mrs. Benting's son from detention. When confronted, Prosecutor Truya reportedly admitted the accusation, and as a consequence thereof, he was reassigned to prosecute cases in Branch 29, Toledo City and Bantayan Islands and the Municipality of Camotes Islands. He was likewise directed to desist from handling the reinvestigation of any case and his reimbursement for travel was limited to those incurred when attending to cases in the Municipal Trial Courts.

In exculpation, Prosecutor Truya denied the claim that he admitted before Provincial Prosecutor Kintanar and in the presence of other people the accusation of Mrs. Benjamin. He proffers the view that the occasion during which these people witnessed a confrontation between him and Prosecutor's Kintanar was in connection with his late submission of his performance report and not about the complaint of Mrs. Benting whom he called a perjurer a "double dealing" woman of dubious character. Prosecutor Truya further maintains that his acceptance of the penalty imposed by Provincial Prosecutor Kintanar cannot be deemed as an admission of guilt but should be construed as a gesture of obedience to a superior's order to buy peace and avoid insubordination.

The recommendation of the Secretary of Justice in imposing the penalty of one year and the forfeiture of all salaries/benefits is based on his findings which reads:

"Respondent's act of extortion is the kind of gross and flaunting misconduct, no matter how nominal the amount involved, that so quickly and surely corrodes the respect for law without which government cannot continue and that tears apart the very bonds of our polity. The prosecutor should be the last person to be perceived as a corrupt bureaucrat out to take money at every turn.

All told, respondent prosecutor's mere denials cannot prevail over the positive assertion of Mrs. Benting and Prosecutor Kintanar as corroborated from different vantage points, by the testimonies of Prosecutor Mamerta Paradiang, Candelaria Gadrinab, Rosario Trocio, Lydio Tanato and Ben Ocampo.

On this point, respondent has failed to show any ill-motive on the part of Mrs. Benting and Prosecutor Kintanar to falsely accuse him. On the contrary, Mrs. Benting bears no animosity towards respondent prosecutor as evidenced by the fact that she even pleaded for his forgiveness. The same is true with Provincial Prosecutor Kintanar who has shown understanding and magnanimity, judging

by the light punitive action inflicted upon respondent prosecutor for the serious offense he committed.

Anent the affidavit of desistance filed by Mrs. Benting, she must realize that this administrative proceeding was commenced against respondent prosecutor *motu proprio* by the Department. Mrs. Benting is but a witness against respondent prosecutor and her subsequent stand for or against him is not material to his chastisement”.

I concur with the findings of the Secretary of Justice which I find to be in accord with law and the evidence.

WHEREFORE, premises considered, Prosecutor Crispulo R. Truya is hereby found liable for gross misconduct. Accordingly, the penalty of suspension for one year and the forfeiture of his salaries and benefits during his period of suspension is hereby imposed.

Done in the City of Manila, this 2d day of May, in the year of Our Lord, Nineteen Hundred and Ninety Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 129
DIRECTING THE ADOPTION AND OBSERVANCE OF STANDARD PROCESSING
TIME IN THE BIDDING AND AWARD PROCESS FOR INFRASTRUCTURE AND
OTHER CONSTRUCTION WORKS AND CONSULTING SERVICES CONTRACTS
OF THE NATIONAL GOVERNMENT

WHEREAS, it has been observed that one of the main causes of delays in the implementation of infrastructure projects of the National Government is the failure of Government Agencies to complete the bidding and award process for infrastructure and other construction works and consulting services contracts within specified time frames;

WHEREAS, it is the policy of the Government to streamline existing Government procedures in the implementation of infrastructure projects in order to promote economy, efficiency and effectiveness in the delivery of public services;

WHEREAS, the Committee on Infrastructure (INFRACOM) of the National Economic and Development Authority (NEDA) Board is tasked under Section IB 10.11 of the Implementing Rules and Regulations (IRR) of Presidential Decree No. 1594 to monitor, among others, the processing time used for each phase of the bidding process by concerned Government Agencies in civil works contracts involving costs of ₱10.0 million and above;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by the powers vested in me by law, do hereby order:

SECTION 1. *Processing Time for Each Phase of the Bidding and Award Process.* All Agencies of the National Government, including Government-owned or -controlled Corporations (GOCCs) and their instrumentalities, are hereby mandated to observe and adhere to the following time tables/deadlines relative to the conduct of the bidding and award process for infrastructure and other construction works and consulting services contracts:

a. Processing Times for Infrastructure and Other Construction Works Contracts

<u>BIDDING/AWARD PHASE</u>	<u>DEADLINE/MAXIMUM PROCESSING TIME</u>
– Completion of evaluation of contractor's prequalification statements	– Twenty-two (22) working days from the last date of submission of prequalification statements
– Completion of evaluation of bids and preparation of corresponding Resolution of Award by the PBAC	– Twenty-two (22) working days from the date of opening of bids
– Approval/Disapproval by the appropriate approving authority of the Resolution of Award	– Twenty-two (22) working days from the date the evaluation of bids shall have been completed by the PBAC

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| <ul style="list-style-type: none"> – Issuance of the Notice of Award to the successful bidder
 – Approval of the Contract by appropriate approving authority
 – Issuance of the Notice to Proceed (NTP) | <ul style="list-style-type: none"> – Five (5) working days from the date of approval by the appropriate approving authority of the Resolution of Award – For foreign-assisted projects, the approved Resolution of Award shall be transmitted to the concerned foreign financial institution for concurrence as may be required under the related loan/grant/credit/aid agreement within five (5) working days from the date of approval thereof by the appropriate approving authority. Likewise, the Notice of Award shall be issued within five (5) working days from the date the concurrence of the concerned foreign financial institution shall have been secured/received – Ten (10) working days from the date the successful bidder or his duly authorized representative shall have executed/signed the contract with the concerned Government Agency/ Office – Ten (10) working days from the date of approval of the contract by the appropriate approving authority |
|--|---|

b. Processing Times for Consulting Services Contracts

<u>Bidding/Award Phase</u>	<u>Deadline/Maximum Processing Time</u>
– Completion of evaluation of technical proposals	– Thirty-three (33) working days after the closing date for the receipt of proposals indicated in the invitation to submit technical proposals
– Submission of results of the technical evaluation by the PEAC to the appropriate approving authority	– Five (5) working days after the evaluation of technical proposals shall have been completed
– Approval/Disapproval by the appropriate approving authority of the results of evaluation	– Twenty-two (22) working days after submission by the PEAC of the results of evaluation

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- Notification and invitation by the PEAC of the selected consultant for negotiation
 - Five (5) working days after approval by the appropriate approving authority of the results of evaluation/selected consultant
For foreign-assisted projects, the results of the technical evaluation together with the criteria used shall be transmitted to the concerned foreign financial institution for concurrence as may be required under the related loan/grant/credit/aid agreement within five (5) working days from the date of approval thereof by the appropriate approving authority. Likewise, the notification and invitation by the PEAC of the selected consultant for negotiation shall be issued within five (5) working days from the date the concurrence of the concerned foreign financial institution shall have been secured/received
 - Completion of negotiation with any one consultant
 - Fifteen (15) working days from date of start of negotiations
For foreign-assisted projects, the proposed agreement shall be transmitted to the concerned foreign financial institution for concurrence as may be required under the related loan/grant/credit/aid agreement within fifteen (15) working days after completion of negotiations. Likewise, approval of the contract shall be made by the appropriate approving authority within fifteen (15) working days after concurrence of the foreign financial institution shall have been secured/received
 - Approval of the contract by appropriate approving authority

SEC. 2. *Monitoring of Agency Compliance.* For monitoring compliance with the provisions of this Administrative Order, all Government Agencies and GOCCs, including instrumentalities thereof, shall cause the submission to the INFRACOM of the NEDA Board a list of all approved infrastructure and other construction works contracts involving costs of ₱10.0 million and above, and all approved consulting services contracts involving costs of ₱1.0 million and above indicating the actual processing times used/spent for each phase of the bidding and award process as indicated under Section 1 hereof. For infrastructure and other construction works contracts, such lists shall be submitted to the INFRACOM within fifteen (15) calendar days from the date the NTP shall have been issued, while in the case of consulting services, contracts, the same shall be submitted within fifteen (15) calendar days from the date such contracts shall have been approved by the appropriate approving authority of the concerned Government Agency.

SEC 3. *Reporting.* The INFRACOM shall make the necessary reports regarding compliance or non-compliance with this Administrative Order by concerned Government Agencies to the NEDA Board at least once in every quarter or as often as may be required by the NEDA Board, and shall furnish a copy thereof to the Disciplinary Committee created hereunder.

SEC. 4. **Sanctions.** Government Officials and employees who shall fail to comply with the provisions of this Administrative Order without just cause shall be held liable and subject to sanctions/penalties in accordance with the following schedules to be determined by the Disciplinary Committee created hereunder:

<u>TIME DELAYS</u>	<u>PENALTY</u>
a. One (1) to five (5) working days delay	– Reprimand
b. Six (6) to ten (10) working days delay	– Fine equivalent to or suspension without pay for a period not exceeding one (1) month
c. Over ten (10) working days delay for the first time	– Fine equivalent to or suspension without pay for a period not exceeding three (3) months
d. Over ten (10) working days delay for the second time	– Demotion in rank or salary of one (1) grade or fine equivalent to or suspension without pay for a period not exceeding six (6) months
e. Over ten (10) working days delay for the third time	– Dismissal from the service without prejudice to any civil and/or criminal prosecution

SEC. 5. **Disciplinary Committee.** There is hereby created a Disciplinary Committee to be headed by the Office of the Executive Secretary of the Office of the President with representatives from the Department of Budget and Management (DBM) and the National Economic and Development Authority (NEDA) as members. On the report of the NEDA INFRACOM or complaints from any party, the Disciplinary Committee herein created shall determine non-compliance/violations by Government Officials/Employees of the provisions of this Administrative Order, and impose the appropriate sanctions to be meted out to Government Officials/Employees found out to have violated the provisions of this Administrative Order in accordance with the schedule of penalties prescribed under Section 4 hereof. In cases involving Presidential appointees, the Disciplinary Committee shall forward its findings and decisions to the Office of the President for appropriate action, while those cases involving rank and file employees, the Disciplinary Committee shall forward its findings and decisions to the Head of Agency concerned. The Disciplinary Committee shall complete its investigations/evaluation of each case within thirty (30) days from the date the particular case has been brought to its attention by the NEDA INFRACOM. The Disciplinary Committee, in the performance of its duties and responsibilities under this Administrative Order, may call upon any Government Agency and personnel to aid it in its investigations/evaluations of specific cases. In this regard, all Government Agencies are hereby directed to provide assistance whenever called upon by the Disciplinary Committee in the performance of its duties and responsibilities as prescribed under this Administrative Order.

SEC. 6. **Appeals.** Decisions made by the Disciplinary Committee with respect to violations committed under this Administrative Order may be appealed by concerned parties in accordance with the procedures prescribed under the Administrative Code of the Philippines.

SEC. 7. **Appropriation.** The Secretary of the Department of Budget and Management is authorized to release such funds as may be necessary from any applicable appropriation item under the General Appropriations Act of 1994 for the organizational and operational expenses attendant to the performance by the Disciplinary Committee of its functions under this Administrative Order during the calendar year 1994. Thereafter, the amount necessary for the annual budgetary requirement for the purpose shall be included in the General Appropriations Act by the Office of the Executive Secretary.

SEC. 8. Repealing Clause. All other rules, regulations and directives or provisions of Presidential issuances which are inconsistent with the provisions of this Administrative Order are hereby amended and modified accordingly.

SEC. 9. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 16th day of May, in the year of our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). [*Administrative Order Nos.: 101 - 200*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 130

**DELINEATING THE FUNCTIONS AND RESPONSIBILITIES OF THE OFFICE OF THE
SOLICITOR GENERAL AND THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL**

WHEREAS, “[t]he Office of the Government Corporate Counsel shall act as the principal law office of all government-owned or controlled corporations, their subsidiaries, other corporate offsprings and government acquired asset corporations and shall exercise control and supervision over all legal departments or divisions maintained separately and such powers and functions as are now or may hereafter be provided by law . . .” (Section 10, Chapter 3, Title III, Book IV of Executive Order No. 292 [Administrative Code of 1987]);

WHEREAS, “[t]he Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of a lawyer. When authorized by the President or head of the office concerned, it shall also represent government-owned or controlled corporations . . .” (Section 35, Chapter 12, Title III, Book IV of Executive Order No. 292 [Administrative Code of 1987]); and

WHEREAS, the Solicitor General is also the legal counsel of certain government-owned or controlled corporations by virtue of their respective charters.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. All legal matters pertaining to government-owned or controlled corporations, their subsidiaries, other corporate offsprings and government acquired asset corporations (hereinafter collectively referred to as “GOCCs”) shall be exclusively referred to and handled by the Office of the Government Corporate Counsel (hereinafter referred to as “GOCC”), unless their respective charters expressly name the Office of the Solicitor General (hereinafter referred to as “OSG”) as their legal counsel. When authorized by the President, or by the head of the office concerned and approved by the President, the OSG shall also represent GOCCs.

Section 2. Subject to the provisions of Section 1 hereof, all pending cases of GOCCs being handled by the OSG, and all pending requests for opinions and contract reviews which have been referred by said GOCCs to the OSG, may be retained and acted upon by the OSG at its discretion, until their termination: *Provided*, that the OSG shall inform the OGCC of these pending cases, requests for opinions and contract reviews, if any, to ensure proper monitoring and coordination.

Section 3. Provisions of other executive issuances inconsistent herewith are hereby repealed or modified accordingly.

Section 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 19th day of May, in the year of Our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 131

EXONERATING REGISTER OF DEEDS FRANCISCO G. ROMERO OF CALOOCAN CITY
AND IMPOSING ON REGISTER OF DEEDS VICENTE N. COLOYAN OF CEBU CITY A FINE
EQUIVALENT TO HIS ONE (1) MONTH'S SALARY TO BE DEDUCTED FROM WHATEVER
BENEFITS HE MAY RECEIVE FROM THE GOVERNMENT

This refers to Administrative Case No. 87-1 against Register of Deeds Francisco G. Romero of Caloocan City and Vicente N. Coloyan of Cebu City (now retired) for gross negligence.

The case stemmed from the complaint, dated 2 August 1986, filed by the spouses Primitivo and Rosa Marcelo, charging respondents with gross negligence.

ADMINISTRATIVE CHARGE AGAINST FRANCISCO G. ROMERO

As stated in the show-cause order, dated 9 January 1987, gross negligence was allegedly committed by respondent Romero as follows:

“On 18 November 1980, as then Acting Register of Deeds of Quezon City [respondent Romero] issued TCT No. 273827 in the names of Pelagia P. Ebro and Manuel P. Ebro, Jr. on the basis of ‘Deed of Extra Judicial Settlement of the Intestate Estate of the deceased Manuel S. Ebro’ executed by Pelagia P. Ebro and Manuel P. Ebro, Jr. on 17 May 1979, in lieu of TCT No. 13278 in the name of Manuel P. Ebro, Jr. Upon verification, it was discovered that the supposed original of TCT No. 13278 on file was not stamped or marked cancelled thereby misleading the succeeding Acting Register of Deeds, Vicente Coloyan, into believing that the said title was still in force and uncanceled xxx.”

In his answer, dated 30 January 1987, Romero denied the charge against him and alleged that (a) the original of TCT No. 13278 as well as its owner's duplicate copy were duly stamped “CANCELLED” and attested to by Mssrs. Concepcion Pobre, Antonio Vasquez and the Register of Deeds himself, Atty. Samuel Cleofe; (b) even assuming that TCT No. 13278 was not stamped “CANCELLED” its cancellation, under normal condition, is manifest at the back thereof pursuant to the last entry appearing in its memorandum of encumbrances; (c) in this particular case, the page of the original TCT No. 13278 wherein the last annotation signed by him (Romero) appears was detached from the corresponding registration book and could no longer be found; and (d) this was perhaps the real reason why then Acting Register of Deeds Vicente Coloyan was misled.

Anent the allegation that TCT No. 13278 is of doubtful authenticity because the title form used was Form 109-D, Romero explained that it was the practice at that time (1950) to utilize Judicial Form No. 109-D whenever the registry ran short of forms for the original copies; that during that period, title forms were not accountable and did not bear serial numbers; and that he recalls having questioned the practice of using said forms but since the previous registers of deeds also admitted

various transactions presented to them for registration during the 30-year period of the existence of the title, he found it unnecessary to further take up the issue.

Based on the Investigation Report, dated 19 November 1990, of Hearing Officer Benjamin N. Bustos of the Land Registration Authority (LRA, formerly National Fund Titles and Deeds Registration Administration or NLTDRA), respondent Romero's failure to properly mark or stamp TCT No. 13278 "CANCELLED" created the false impression that it was still in force, thereby misleading his successor in office, respondent Coloyan, into registering the documents affecting very same title.

Consequently, in his letter to the Secretary of Justice dated 5 May 1991, the LRA administrator recommend that Romero be found guilty of simple negligence and meted the penalty of fine equivalent to his two 920 months' salary.

After review, the Justice Secretary in his letter dated 7 September 1992, found Romero not liable for negligence, for the following reasons: (a) there is nothing in the record to show that Romero failed to exercise due diligence in the performance of his duties in connection with the cancellation of TCT No. 13278; (b) TCT No. 273827, which cancelled TCT No. 13278, bears the annotation of the extra-judicial settlement that was duly annotated and approved by Atty. Romero and initialled by Land Registration Examiner Adolfo Magallanes and typist Garcia; (c) when the Register of Deeds signed the new title (TCT No. 273827), the presumption was that the old title (TCT No. 13278), were presented already with the annotation of extra-judicial settlement and the word "CANCELLED" stamped on both copies.

After going over the records of the case, I concur with the findings of the Secretary of Justice.

Romero did not fail to use such care expected of a reasonably prudent man. On the contrary, he had done his duty conformably with the standards established by law. Thus, it would be the height of injustice to attribute or to hold Romero liable for an Act which he had otherwise done with care and prudence.

ADMINISTRATIVE CHARGE AGAINST VICENTE N. COLOYAN

On 17 July 1984, as then Acting Register of Deeds of Quezon City, [Atty. Coloyan] registered a "Notice of Levy upon Real Estate Property" date 16 July 1984, executed by the Deputy Sheriff of Quezon City, enclosing therein a copy of the Writ of Execution also dated 16 July 1984, executed by the Deputy Sheriff of Quezon City, enclosing therein a copy of the Writ of Execution also dated 16 July 1984 issued by the Branch Clerk of Court, in connection with the same Civil Case No. Q-40427 entitled Primitivo Marcelo, et al. versus Pelagia Ebro, et al. filed with the RTC of Quezon City Branch 102 and later, or on 25 October 1984 [Atty. Coloyan] also registered the certificate of Sale dated 19 October 1984 issued by the Deputy Sheriff of Quezon City with the same Civil Case No. Q-40427 both affecting Certificate of Title No. 13278 in the name of Manuel B. Ebro. Upon verification, it was discovered that TCT No. 13278 was already cancelled by former Deputy Register of Deeds Francisco Romeo on 18 November 1980 and, in lieu thereof, issued TCT No. 273827 in the names of Pelagia P. Ebro and Manuel P. Ebro, Jr. on the basis of the 'Deed of Extra Judicial Settlement of the Intestate Estate of the deceased Manuel S. Ebro' executed by Pelagia P. Ebro and executed by Pelagia P. Ebro and Manuel P. Ebro, Jr. on 17 May 1979.

Coloyan, in his answer, dated 4 February 1987, averred that:

“ . . . [A]t the time the notice of levy was annotated under P.E. No. 8997, TCT No. 13278 was free from any annotation that it was already cancelled. As what can be seen from the original copy of TCT No. 13278, the page immediately preceding the annotation of the questioned levy contains the initial of the member of the LRC Inventory Team who inventoried the title on 9 February 1981 as well as the annotation requiring as HSRC Clearance for TCT No. 13278. x x x x

“It is well to state that all titles issued in this Registry prior to February 1981 contain an initial by a member of the LRC Inventory Team at the bottom of the last page of the particular title involved. Now, assuming that the title was cancelled on 18 November 1980 by virtue of the settlement of estate of Manuel Ebro, the initial of the LRC Inventory Team member should have been placed after this last transaction. Thus, in the instant case, there is no way for the undersigned to determine whether the title was already cancelled considering that on its face as well as based on its subsequent annotations there is no indication whatsoever of its actual status. On the other hand, the title appears to be valid and existing. This contention is bolstered by the fact that on 31 August 1984, Mr. Concepcion Pobre, former Acting Deputy Register of Deeds issued a certified true copy of the original TCT No. 13278 which showed that the title was existing and was not yet cancelled as of said date x x x.”

Coloyan’s negligence, in the LRA-Administrator’s opinion, was even more apparent when he allowed the registration on 17 July 1984, of the “Notice of Levy” in Civil Case No. Q-40427 affecting the cancelled TCT No. 13278. According to Administrator Teodoro, had Coloyan maintained a correct recording of all documents registered by him, he could have discovered his earlier registration on 18 November 1983 and 28 May 1984 of the documents with Entry Nos. 4723 and 4820 affecting TCT No. 273827, which was a direct transfer from TCT No. 13278.

The LRA Administrator recommended that Coloyan be found guilty of gross negligence and fined in an amount equivalent to three (3) month’s salary, with a warning that repetition of the same or similar violation will be dealt with severely.

The Justice Secretary observed:

“On the other hand, respondent Coloyan’s sole defense is that at the time the notice of levy was annotated under P.E. 8997 (on 17 July 1984), TCT 13278 was free from any annotation that it was already cancelled. (Record p. 139); He stresses that the member of the LRC Inventory Team who inventoried the title on 9 February 1981 placed his initials on the page immediately preceding the annotation indicating that as of that date, the title was valid and existing; That from these circumstances, respondent Coloyan concludes that ‘somebody’ affixed the word “**cancelled**” on the face of TCT 13278 only after the Notice of Levy and the Certificate of Sale were annotated therein (i.e. after 17 July 1984), and that the additional sheet which was supposed to contain the annotation of the cancellation of title was detached inadvertently before 9 February 1981 x x x” (Underscoring supplied).

“Respondent Coloyan, as head of the Registry, has the duty and responsibility of ensuring that public documents, in his custody are safe. If indeed ‘somebody’ did tamper with TCT 13278 without his knowledge, it is the duty to investigate the circumstances surrounding the tampering of the titles and find out the person/s responsible therefor. His admission that somebody affixed the word ‘cancelled’ on the face of TCT No. 13278 after 17 July 1984 and his failure to undertake the necessary steps to find out how it was effected and who carried it out, which duty was incumbent upon him, makes him liable. Regardless therefore of the truth of his allegation, he cannot escape liability for his negligence.”

Coloyan allowed the registration of the Notice of Levy and the Certificate of Sale both issued in connection with said Civil Case No. Q-40427 on the cancelled TCT No. 13278 without prior verification. As Register of Deeds, it was incumbent upon him to keep a correct recording of all the documents registered by him.

The Secretary of Justice recommends that Coloyan be found guilty and fined in an amount equivalent to his four (4) months’ salary pursuant to Civil Service Commission Memorandum Circular No. 8, Series of 1970, which was then in force when the acts in question were committed.

However, I find Coloyan’s act amounting only to simple negligence. The fine should thus be reduced accordingly.

WHEREFORE, respondent Francisco Romero is hereby exonerated of the charge of Gross negligence, respondent Vicente N. Coloyan (now retired) is hereby found **GUILTY** of simple negligence and **FINED** in an amount equivalent to his one (1) month’s salary to be deducted from whatever benefits he may receive from the government.

DONE in the City of Manila, Philippines, this day 30th of May, in the year of Our Lord Nineteen Hundred and Ninety-Four.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **TEOFISTO T. GUINGONA, JR.**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 132
PRESCRIBING THE GUIDELINES FOR THE LOAN OF ONE-HALF (1/2) OF THE AMOUNT
OF THE CHRISTMAS BONUS AND CASH GIFT FOR CY 1994 UNDER R.A. NO. 6686 TO
GOVERNMENT PERSONNEL

I, **FIDEL V. RAMOS**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1.0 COVERAGE

- 1.1 All government personnel whether under regular, temporary or casual status, and contractual personnel whose employment are in the nature of a regular employee, who have rendered at least a total of four (4) months of service including leaves of absence with pay in the government from January 1 to May 15, 1994 shall have the option to receive the benefit herein authorized.
- 1.2 Government personnel with pending cases, whether or not they are under preventive suspension, those on leave without pay and those absent without official leave (AWOL) shall not be entitled to the option herein authorized.

2.0 RULES AND REGULATIONS

- 2.1 The government personnel covered by this Order shall have the option to receive an advance of one-half (1/2) of the amount of the Christmas Bonus and Cash Gift for CY 1994 under RA No. 6686 as an interest-free loan. Said loan shall be payable and deductible from the full amount of the Christmas Bonus and Cash Gift for CY 1994 accruing to the official or employee concerned during the current budget year.
- 2.2 An official or employee whose government service is terminated by whatever cause after May 15, 1994 but before the actual grant of the benefits herein authorized shall no longer be allowed to exercise said option.
- 2.3 Officials/employees who availed of the option herein authorized and who resigned and/or are separated from government service for whatever cause before October 31, 1994 shall be required to pay the amounts received.
For this purpose, the head of the office/agency concerned and such other officials/employees who took part in the grant of the loan shall cause the deduction of the above from any benefits, including the last salary due the official/employee whose government service ends before October 31, 1994.
- 2.4 An official or employee who is on full-time or part-time detail with another government office/agency or special project may exercise his option under this Order from his mother agency. In the case of personnel paid from project funds, the loan shall be drawn from the same source where he draws his salary. No one shall exercise the option under this Order from more than one source.

2.5 Officials and employees who are employed on a part-time basis are entitled to the loan provided herein corresponding to the basic salary he is actually receiving and a pro-rata amount of the ₱1,000.00 Cash Gift. Those, who by the nature of their employment, are on part-time service with two (2) different agencies, where part-time service in one agency is equivalent to one-half day service, shall be entitled to an amount for the corresponding service in each agency, provided that the total loan shall not exceed the equivalent amount provided in this Order.

2.6 The loan under this Order of an official/employee who has transferred from one agency to another shall be granted by his new Office.

3.0 RELEASE OF FUNDS

3.1 The Department of Budget and Management is hereby directed to release the necessary funds to concerned government offices out of the amounts provided for the year-end benefits in R.A. No. 7663, the 1994 General Appropriations Act.

3.2 Agencies, however, may use whatever cash is available from their Common Funds for the purpose herein authorized without waiting for the receipt of the Advice of Allotment and Notice of Cash Allocation for the purpose.

4.0 FUNDING SOURCE

4.1 In the case of the personnel of regular government offices and agencies, the amounts required shall be taken from the approved appropriations for the purpose under the General Appropriations Act for CY 1994.

4.2 In the case of government-owned and/or controlled corporations (GOCCs) and government financial institutions (GFIs), the amounts required shall be sourced fully from their corporate funds.

4.3 In the case of local government units (LGUs), the amounts required shall be sourced fully from their respective local funds.

5.0 RESPONSIBILITY OF THE HEAD OF AGENCY

The heads of concerned government offices/agencies shall be held responsible and personally liable for any grant of loan herein authorized not in accordance with the provisions of this Order, without prejudice, however, to the refund of any excess payment by the employee concerned.

6.0 INTEREST-FREE

The loan herein authorized to be granted shall not bear any interest.

7.0 PROHIBITION AGAINST PAYMENT OF ADDITIONAL BENEFITS

Agencies are hereby precluded from granting additional benefits other than those authorized under this Order. Consequently, all administrative authorizations to grant any or other forms of benefits or other similar compensation in CY 1994 partaking the nature of Christmas bonus

and cash gift that are inconsistent with the declared policy on the matter shall be rendered nugatory and unenforceable.

8.0 CASES NOT COVERED

Cases not covered by the provisions of this Order shall be submitted to the Secretary of Budget and Management for appropriate evaluation and resolution.

9.0 EFFECTIVITY

This Order shall take effect immediately.

DONE in the City of Manila, this 8th day of June, in the year of Our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 133

AMENDING ADMINISTRATIVE ORDER NO. 94 DATED NOVEMBER 26, 1993, CREATING AN
AD-HOC COMMITTEE TO INVESTIGATE VARIOUS ADMINISTRATIVE CHARGES AGAINST
CERTAIN ELECTIVE OFFICIALS OF THE PROVINCE OF ALBAY

The Ad-hoc Committee, created under AO No. 94, s. 1993, and tasked to investigate various administrative charges against certain elective officials of the Province of Albay arising from Special Audit Report No. 93-11 of the Commission on Audit (COA), and other administrative complaints mentioned therein, is hereby reconstituted to be composed of the following:

VICTOR SUMULONG	– Chairman
Undersecretary	
RENATO C. CORONA	– Member
Assistant Secretary for Legal Affairs	
ANGEL SALDIVAR	– Member
Presidential Assistant	

This Order shall take effect immediately.

By authority of the President:
(Sgd.) **TEOFISTO T. GUINGONA, JR.**
Executive Secretary

Manila, June 10, 1994

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 134

AMENDING ADMINISTRATIVE ORDER NO. 108 DATED JANUARY 21, 1994,
CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE COMMEMORATION
OF THE 50TH ANNIVERSARY OF THE LEYTE GULF LANDINGS ON 20 OCTOBER 1994.

By virtue of the powers vested in me by law, I, FIDEL V. RAMOS, President of the Philippines, do hereby amend Section 1 of Administrative Order No. 108 dated 21 January 1994, entitled “CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE COMMEMORATION OF THE 50TH ANNIVERSARY OF THE LEYTE GULF LANDINGS ON OCTOBER 20, 1994,” by including the Secretary of Environment and Natural Resources and the Secretary of Finance as Members of the National Executive Committee.

Done in the City of Manila, this 16th day of June, in year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 135

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 135 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila : Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 136
AMENDING ADMINISTRATIVE ORDER NO. 7, "CREATING THE PHILIPPINE COUNCIL FOR
ASEAN COOPERATION," (AS AMENDED)

WHEREAS, the Philippines has adopted "diplomacy for development" as its central foreign policy thrust to further promote the national economic agenda thru active participation in various international and regional fora;

WHEREAS, there is a need to enhance our country's regional strategic position by sustaining friendly relations with our ASEAN and Asia-Pacific neighbors;

WHEREAS, to address this concern, the President issued Administrative Order No. 7, Creating the Philippine Council for ASEAN Cooperation (PCAC) on 7 October 1987;

WHEREAS, for purposes of ensuring consistency and synergy, there is a need to expand the coverage of the PCAC to include the Asia Pacific Economic Cooperation (APEC) and East Asia Economic Cooperation (EAEC);

WHEREAS, this need has become more imperative in view of the fact that the Philippines will host the APEC Summit Meeting in 1996 and the ASEAN Summit in 1997;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SEC. 1. The Philippine Council on ASEAN Cooperation (PCAC) is expanded to cover APEC and EAEC concerns and shall henceforth be called Philippine Council for ASEAN and APEC Cooperation (PCAAC). The Secretary of Foreign Affairs shall continue to be the Chairman of the Cabinet-level PCAAC.

SEC. 2. The Cabinet-level PCAAC shall create sub-committees and/or working groups as it deems necessary to ensure the efficient and effective discharge of its responsibilities.

SEC. 3. In addition to the Technical Board for ASEAN Economic Cooperation and the Technical Board for ASEAN Functional Cooperation which are currently existing, there shall be a Technical Board for APEC Matters which shall be chaired by the Department of Foreign Affairs.

SEC. 4. This Administrative Order shall take effect immediately.

DONE, in the City of Manila this 12th day of July, in the year of Our Lord nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 137
IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) MONTH WITHOUT
PAY ON ASSISTANT CITY PROSECUTOR SEVERINA A. ACUNA,
CITY PROSECUTION OFFICE, KALOOKAN.

This refers to the administrative complaint filed against Asst. City Prosecutor Severina A. Acuna of Kalookan for grave misconduct and dishonesty.

Record shows that a complaint was filed with the Supreme Court against respondent prosecutor's husband, Victorio Acuna, who is a Deputy Sheriff, for absence without official leave, insubordination and conduct prejudicial to the best interest of the service. Also included in the complaint were Ana Lacaden and Virgincita Villalobos, who are also personnel of the Municipal Circuit Trial Court of San Juan. The cases were docketed as A.M. Nos. P-90-452 and P-92-667. The thrust of the complaint was the filing by Victorio Acuna of a sick leave application on October 13, 1988 on the ground that he was seriously ill when in truth and in fact he was not sick but actually had left for abroad and joined the husband of Ms. Ana Lacaden who was working at Saipan, U.S.A., and the collection and encashment by Ana Lacaden and Virgincita Villalobos of his pay checks up to November 30, 1988 despite knowledge of the fact that Acuna's leave credits had been exhausted already.

The Supreme Court in a decision dated April 7, 1993 dismissed from the service Victorio Acuna, Ana Lacaden and Virgincita Villalobos and requested the Department of Justice to conduct an inquiry and to take appropriate action against herein respondent prosecutor Severina Acuna. The Supreme Court said:

"We are disturbed by the high-handed manner in which Assistant Prosecutor Severina A. Acuna conducted herself during the investigation of the case. She represented all three respondents in the said investigation but would refuse to participate in the proceedings when she was asked questions that will yield answers which were not favorable to her case, and was insistent in participating when she wanted to protect her own interests and that of her husband and the other respondents. We also could not fail but notice her warped and scheming legal mind when a pattern was woven outlining her participation in the highly anomalous and reprehensible transaction subject of this case. If it is proven that she was the one who orchestrated respondent Acuna's leaving for abroad without the necessary procedures having been followed, his application for a sick leave to conceal his absence and respondents Villalobos and Lacaden's receiving respondent Acuna's salary when he was no longer entitled to it, then, Assistant Prosecutor Acuna's dismissal from the service, and suspension from the practice of law, is in order." (p. 7 Dec. *ibid*)

In the formal investigation of this administrative complaint, respondent prosecutor denies the charges of grave misconduct and dishonesty against her. She claims that her husband complied with the requirements for the filing of his sick leave application and treatment abroad. Nothing was

concealed in the application thereof. Neither was there any misinformation nor any falsification committed in connection therewith. Her husband worked abroad to earn money for the treatment of his illness. She could not allow herself to be involved in any anomaly which would destroy her career as well as her present position. She denies having represented her husband and his co-respondents during the investigation of the administrative cases conducted by then Executive Judge Milagros Caguioa of Pasig, Metro Manila.

After the formal investigation, the Department of Justice recommended the dismissal of the charge for dishonesty but found respondent prosecutor administratively liable for acts unbecoming of a public prosecutor and recommended that respondent prosecutor be meted the penalty of one (1) month suspension with the stern warning to be more circumspect in her actuations in the future.

I concur in the findings of the Secretary of Justice.

Indeed respondent prosecutor exhibited arrogance and indifference to and even disdain for due process and the rule of law. By her acts, she displayed disrespect in the administrative investigation then being conducted. Considering the high office which a public prosecutor holds, her behavior is impermissible. Thus, for failure to observe the proper decorum, prudence and circumspection which the law requires of a public servant, respondent prosecutor is found administratively liable therefore. The bare denial of respondent prosecutor that she never represented her husband and his co-respondents during the aforestated investigation is unacceptable.

WHEREFORE, premises considered, respondent Severina A. Acuna, Asst. City Prosecutor of Kalookan, is hereby found liable for MISCONDUCT. Consequently, thereto, her suspension for one (1) month without pay is hereby imposed.

Done in the City of Manila this 13th day of July, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 138
STRENGTHENING THE OPERATION OF THE ONE-STOP SHOP INTER-AGENCY
TAX CREDIT AND DUTY DRAWBACK CENTER FOR THE PROCESSING OF
ALL TAX CREDITS AND DUTY DRAWBACKS

WHEREAS, the establishment under Administrative Order No. 266, series of 1992, of the One-Stop Shop Inter-Agency Tax Credit and Duty Drawback Center (CENTER) in the Department of Finance has greatly enhanced and facilitated the processing and release of claims for tax credits/duty drawbacks by export-oriented firms;

WHEREAS, there is still a need to further reinforce and strengthen the operation of the CENTER in support of global competitiveness;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. **CENTER** - The CENTER is hereby declared and made a permanent unit in the Department of Finance, and its personnel complement shall be appointed in accordance with existing Civil Service Law, rules and regulations.

SEC. 2. **HARMONIZED TAX CREDITS** - The CENTER is directed to institute a simplified and harmonized system of tax credits in order to facilitate trade and enhance the competitiveness of the export sector.

SEC. 3. **FEES AND OTHER INCOME** - Subject to budgetary laws, circulars, and regulations, income from fees and other charges collected by the CENTER shall constitute a trust fund which shall be expended exclusively in accordance with the purposes of Administrative Order No. 266, series of 1992.

SEC. 4. **REPEALING CLAUSE** - All orders, guidelines, and regulations or portions thereof, which are in conflict with this Administrative Order are hereby repealed or modified accordingly.

SEC. 5. **EFFECTIVITY** - This Administrative Order shall take effect fifteen (15) days after publication in the Official Gazette or in a newspaper of general circulation.

DONE in the City of Manila, this 19th day of July, in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 139
CREATING THE BASILAN INTER-AGENCY TASK FORCE

WHEREAS, the government's vision of Philippines 2000 aims to provide all localities with opportunities for self-development and to widen their access to productive resources;

WHEREAS, the government recognizes that delivery of basic services should be a coordinated effort among government agencies and with the local communities;

WHEREAS, the government has been successful in the implementation of its Clear, Hold, Consolidate, and Develop Strategy, especially in insurgency-and-rebel-infested areas;

WHEREAS, the province of Basilan, with its vast potentials and natural resources, has been beset by man-made disasters hampering its growth and development;

WHEREAS, certain groups are deliberately exploiting the situation to provoke religious conflict and derail the peace process;

WHEREAS, there is a need to address problems in the province of Basilan, among which are poverty, lawlessness, and perceived injustice; and

WHEREAS, to enable the government to undertake measures to promote the accelerated socio-economic development of Basilan, there is a need to create a body that shall formulate and implement short-term and medium-term plans as well as address certain policy, planning, and implementation issues;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. CREATION OF THE INTER-AGENCY TASK FORCE. There is hereby created an Inter-Agency Task Force for the integrated conduct of development and security/law enforcement operations to clear Basilan of lawless elements and facilitate the normalization of the peace and order condition and socio-economic development of the province.

SEC. 2. COMPOSITION. The Task Force shall be headed by the Secretary of the Department of Interior and Local Government as Chairman, with the Secretary of the Department of Public Works and Highways as Co-Chairman. Its members shall be composed of the Regional Development Council IX Chairman, Presidential Assistant for Mindanao, and representatives from the following agencies with rank of Director IV or higher:

- (a) Department of Environment and Natural Resources;
- (b) Department of Agrarian Reform;
- (c) Department of Agriculture;
- (d) Department of National Defense;
- (e) Department of Energy;
- (f) Department of Education, Culture and Sports;
- (g) Department of Trade and Industry;
- (h) Department of Social Welfare and Development;
- (i) Department of Health;

- (j) Department of Justice; and
- (k) Department of Transportation and Communications.

Concerned local government executives, religious and political leaders as may be determined by the Task Force may be designated as ex-officio members, consultants, and/or advisers.

The Inter-Agency Task force is hereby authorized to call upon any department, bureau, office, agency, or instrumentality of government, including government-owned and -controlled corporations for such assistance as it may need in the discharge of its functions.

SEC. 3. FUNCTIONS. The Task Force shall have the following powers, functions, duties and responsibilities:

- (a) Implement a multi-agency approach under the umbrella of the Peace and Order Council to conduct police and security operations with the cooperation and support of the province's legislators, local government executives, and religious and civic leaders, non-government organizations and people's organizations;
- (b) Establish the parameters and provide the Terms of Reference for the development of the province of Basilan;
- (c) Adopt a process of maximum consultation with concerned local government units and agencies to ensure that their needs, concerns, and ideas are considered in the formulation of the parameters of the Terms of Reference;
- (d) Cause, oversee, and facilitate the formulation and implementation of an integrated security and development plan for the province of Basilan;
- (e) Formulate innovative schemes to provide opportunities for the private sector to prepare the development plan and implement projects within the province of Basilan;
- (f) Act as the interim central coordinating body and undertake issue-resolution on the development of the province of Basilan;
- (g) Assist to local government of Basilan in its various planning activities to develop short-term and long-term strategies for the socio-economic and physical development projects of the area;
- (h) Pool, manage, and coordinate government resources and immediately implement identified priority development projects in Basilan;
- (i) Submit regular accomplishment reports to the President; and
- (j) Perform such other tasks as may be assigned by the President.

SEC. 4. EXECUTIVE COMMITTEE. The Task Force shall have an Executive Committee consisting of representatives from DILG (as Chairman), DPWH (as Co-Chairman), DA, DND, DAR, PIA, as members; and PA-Mindanao, COMSOUTHCOM, and an NGO representative as ex-officio members. The Executive Committee shall have the following functions, among others:

- (a) Oversee the conduct of police and security operations and the public information and communication plan;
 - (b) Supervise the implementation of Task Force projects; and
 - (c) Consolidate/integrate various Task Force projects and activities.
-

SEC. 5. EXECUTIVE DIRECTOR. The COMSOUTHCOM shall be the Task Force Executive Director who shall head the Secretariat and the Technical Support Staff group and have the following additional tasks/functions:

- (a) Manage the planning and implementation of operations, campaign plans, and projects on the ground;
- (b) Coordinate action on and approval of various national projects in Basilan; and
- (c) Oversee the implementation of Task Force plans and decisions.

The Task Force Executive Director shall be assisted by the Provincial Development Officer who shall be the Task Force Deputy Executive Director.

SEC. 6. SECRETARIAT SUPPORT. The Office of the Commander, AFP Southern Command, shall provide the technical and administrative support to the Inter-Agency Task Force. It shall be assisted by representatives from the member-agencies in fulfilling its functions.

SEC. 7. FUNDING. The initial amount of FIFTY MILLION PESOS (P50,000,000.00) shall be drawn from the Department of Public Works and Highways.

Appropriations for the succeeding years shall be incorporated in the budget proposals of the member/participating agencies.

SEC. 8. EFFECTIVITY. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 19th day of July, in the Year of our Lord, Nineteen Hundred and Ninety- Four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 140
REACTIVATING THE FACT-FINDING COMMITTEE TO INVESTIGATE THE
ALLEGED ANOMALIES IN THE IMPLEMENTATION OF THE DUTCH RURAL
DEVELOPMENT ASSISTANCE PROGRAM

WHEREAS, there have been allegations of anomalies in the disposition and implementation by the DAR of the Dutch Rural Development Assistance Program;

WHEREAS, in view thereof, Administrative Order No. 49 was issued on April 23, 1993 creating a Fact Finding Committee which had already submitted its report to the Office of the President;

WHEREAS, there are allegations of anomalies in the disposition of funds to the other DRDAP Projects, which were not previously investigated by the said Fact Finding Committee;

WHEREAS, there is a need to further determine the veracity of said allegations in order that the appropriate corrective measures be undertaken;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The Fact Finding Committee created under Administrative Order No. 49 is hereby reactivated to be composed of the following:

Chairman	: Atty. HECTOR D. SOLIMAN Assistant Secretary, DAR
Co-Chairman	: Atty. Carlos de Leon Senior State Prosecutor, DOJ
3 Members from the DAR and 2 Members from the DOJ	

Sec. 2. The Fact-Finding Committee shall have the following powers and functions:

1. To investigate the alleged anomalies and determine all the facts and circumstances regarding the implementation of the 520 M. Dutch Rural Development Assistance Program;
2. To exercise the powers of an investigating body under Section 33, Chapter 9, Book I of the Administrative Code of 1987, including the power to summon witnesses, administer oath, take testimony or evidence relevant to the investigation, and to issue compulsory processes to produce documents, books, records and such other matters, in the performance of its functions;
3. To establish a Secretariat for the technical and staff support of the Committee.

Sec. 3. All the Departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Committee may need in the discharge of its functions; and

Sec. 4. The Committee shall submit their findings and recommendations to the President of the Republic of the Philippines within a period of Ninety (90) days from the date of the issuance of this Administrative Order.

This Order takes effect immediately and will continue the activities enunciated under the DAR-DOJ Fact Finding Committee on the Dutch Rural Development Assistance Program (DRDAP) created under Administrative Order No. 49, s. 1993.

Done in the City of Manila, this 9th day of August, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 141

**PRESCRIBING GUIDELINES FOR THE INSURANCE OF ALL PROPERTIES, CONTRACTS,
RIGHTS OF ACTION, AND OTHER INSURANCE RISKS OF THE GOVERNMENT IN
PRIVATIZED CORPORATIONS, AS WELL AS BUILD-OPERATE-AND-TRANSFER PROJECTS**

WHEREAS, under Republic Act No. 656, as amended, properties, assets, and interests of the Government are required to be insured with the General Insurance Fund, as administered by the Government Service Insurance System, against any insurable risk;

WHEREAS, notwithstanding the said requirement, there are still properties and assets and interests of the government, including those in the privatized corporations and BOT projects, where the government has or retains interests, which are not insured with the General Insurance Fund, or which are insured with private insurance companies;

WHEREAS, said practice is in contravention of existing laws and deprives not only the GSIS of substantial premium income, which will ultimately redound to the benefit of its 1.5 million members but also the government, of adequate and reliable insurance protection to its properties, assets, and interests;

WHEREAS, the GSIS having more than sufficient assets and funds to cover high value properties is the largest insurance institution of the Philippines as seen in its General Insurance arm and has already acquired the necessary name, fame and reputation as an insurance enterprise;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. All Heads, Presidents, General Managers, Board Members, Directors or Trustees of privatized corporations, including the proponents/implementors of BOT projects, shall insure with or secure insurance or bonds from the Government Service Insurance System (General Insurance Group) on or of all properties or assets, contracts or agreements, causes or rights of action, or other insurable interests as this term is defined in PD 1814 (PD 612, as amended), otherwise known as the Insurance Code, and/or Administrative Order No. 33 issued by the President on August 25, 1987, at least to the extent of the interests of the Government.

Sec. 2. No insurable interest of the Government or any part or portion thereof shall be covered by or insured with and no bonds to the extent of such interest shall be obtained from any entity, enterprise, firm, company, person, corporation or partnership, or any other juridical person other than the GSIS (General Insurance Group).

Sec. 3. Violation of this Order or any provision thereof shall accordingly be meted with the appropriate administrative sanction.

Sec. 4. (a) "Government" means the national and local governments concerned, except municipal governments below first class, as well as government-owned and/or controlled corporations, inclusive of subsidiaries and acquired asset corporations.

(b) GSIS or General Insurance shall mean the Government Service Insurance System.

(c) Properties or assets, contracts or agreements, causes or rights of action, or other insurable interests of the Armed Forces of the Philippines shall not be bound by this Administrative Order but may, otherwise, be insured with or bonded by the GSIS if so desired or when circumstances so warrant.

Sec. 5. The GSIS shall formulate, prescribe policies and guidelines as are necessary to implement this order and shall exercise such powers as are needed for its operations.

Sec. 6. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 17th day of August, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 142
TRANSFERRING THE FUNCTION OF ACTING UPON CERTAIN IMMIGRATION MATTERS
TO THE SECRETARY OF JUSTICE OR HIS DULY AUTHORIZED REPRESENTATIVE

Pursuant to the continuing authority of the President to transfer any function under the Office of the President to any other department or agency under the provision of subsection [2], Section 31, Chapter 10, Title III, Book III of the 1987 Administrative Code, the following is hereby transferred to the Secretary of Justice or his duly authorized representative:

1. Action on immigration matters, including waiver of visas and admission of aliens, except deportation matters.

Provision of Letter of Implementation No. 47 dated 18 August 1976 and of other executive issuances inconsistent herewith are repealed or modified accordingly.

The Administrative Order shall take effect immediately.

DONE in the City of Manila, this 23^d day of August, in the year of Our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **TEOFISTO T. GUINGONA, JR.**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 143

**CREATING THE INTER-AGENCY COMMITTEE TO STUDY THE FEASIBILITY OF PROVIDING
FERRY SERVICES FOR THE MANILA-BICOL-MASBATE-CEBU-ROUTE**

WHEREAS, one of the objectives of the transport sector under the Medium Term Philippine Development Plan (MTPDP) is the strengthening of the interregional and urban-rural linkages to ensure people's mobility and continuous flow of goods and services by promoting multi-modal transport system;

WHEREAS, the Bicol region has inadequate transportation facilities and services to support its productive sectors (i.e., industry, and agriculture) and its Tourism Projects which is one (1) of the Flagship Projects identified by the President;

WHEREAS, there is no direct commercial sea traffic between Manila and Bicol, and for Bicol to Cebu;

WHEREAS, Executive Order No. 185, dated 28 June 1994, among others: seeks to open-up all routes and to encourage entry into developmental routes;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Organization. - There is hereby created an Inter-Agency Committee to study the feasibility of providing ferry services, passengers and cargo, for the Manila-Bicol-Masbate-Cebu route (hereinafter called the "Committee").

Section 2. Composition. - The Committee shall be composed of the following:

- | | | |
|---------------|---|--|
| Chairman | - | Sr. Dep. Exec. Secretary Leo A. Quisumbing |
| Vice-Chairman | - | Gen. Manager of Maritime Industry Authority (MARINA) |
| Members | - | Administrator of National Mapping Resource and Information Authority (NAMRIA); |
| | - | Undersecretary of DPWH for Technical Services; |
| | - | General Manager of Philippine Ports Authority (PPA); |
| | - | Representative of Presidential Committee on Flagship Programs and Projects; |
| | - | Representative of the Masbate Economic Development Council. |

Section 3. Duties and Responsibilities. - The Committee shall have the following duties and responsibilities:

- a) To study the feasibility of providing ferry services for passengers and cargo for the Manila-Bicol-Masbate-Cebu route;

- b) To select the most advantageous ports to be served;
- c) To coordinate with the concerned national government agencies, local government units and non-governmental organizations on matters concerning the study; and
- d) To recommend to the President appropriate actions necessary for the implementation of the results of the study.

Section 4. Technical and Administrative Support. - The Committee shall organize its Secretariat, the composition of which shall be drawn from the member agencies.

Section 5. Submission of the Final Report- The Committee shall submit its final report to the President on or before 31 October 1994.

Section 6. Funding. - The amount of **ONE MILLION PESOS (P 1,000,000.00)** is hereby authorized to be set aside from the Contingent Fund of the President for the operating expenses of the Committee.

Section 7. Effectivity. - This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 25th day of August, in the year of Our Lord, Nineteen Hundred and Ninety Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1994). [*Administrative Order No.: 101 - 200*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 144
CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE
COMMEMORATION OF THE 50TH ANNIVERSARY OF THE LINGAYEN GULF
LANDINGS ON 9 TO 13 JANUARY 1995

WHEREAS, January 9, 1995 marks the 50th Anniversary of the Lingayen Gulf Landings which was part of the effort to liberate the Philippines from the Japanese occupation during the World War II;

WHEREAS, this event should be appropriately observed to promote, preserve and memorialize the principles, ideals and deeds of Filipino military veterans as a means of enhancing patriotism and love of country, especially among the youth of the land;

WHEREAS, the commemoration of this event should be focused on the values of freedom and lasting peace for which Filipino war veterans fought valiantly, many of whom paid the ultimate sacrifice;

WHEREAS, there is a need to coordinate all activities that are envisioned to foster nationalism among Filipinos, particularly with that of the National Centennial Commission, which was created pursuant to E.O. 128, dated October 4, 1993, to act as the principal coordinator for all activities related to the Centennial Celebrations of the Philippine Independence;

NOW, THEREFORE, I FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a National Executive Committee. There is hereby constituted a National Executive Committee on the Commemoration of the 50th Anniversary of the Lingayen Gulf Landings hereinafter referred to as the Committee, to be composed of the following:

- (a) The Executive Secretary;
- (b) The Secretary of National Defense;
- (c) The Secretary of Tourism;
- (d) The Secretary of Foreign Affairs;
- (e) The Secretary of Education, Culture and Sports;
- (f) The Secretary of Interior and Local Government;
- (g) The Secretary of Transportation and Communications;
- (h) The Secretary of Public Works and Highways;
- (i) The Secretary of Budget and Management;
- (j) The Secretary of Environment and Natural Resources;
- (k) The Secretary of Finance;
- (l) Press Secretary;
- (m) Head, Philippine Information Agency;
- (n) Chief of Staff, Armed Forces of the Philippines;
- (o) Chief, Philippine National Police;
- (p) Administrator, Philippine Veterans Affairs Office;
- (q) Chairman, National Historical Institute;

- (r) Governor, Province of Pangasinan;
- (s) Mayor, Dagupan City;
- (t) Mayors of Lingayen, Binmaley, San Fabian, and other coastal municipalities of Pangasinan;
- (u) President, Veterans Federation of the Philippines;
- (v) National President, Boy Scouts of the Philippines;
- (w) National President, Girl Scouts of the Philippines;
- (x) Chief, Military Shrines Service; and
- (y) Representatives of Non-Government Organizations.

The Chairman of the Committee shall be the Secretary of National Defense and the Vice Chairman shall be the Secretary of Tourism.

Section 2. Functions of the Committee. The Committee shall take charge of the preparations for the 50th Anniversary of the Lingayen Gulf Landings on 9 to 13 January 1995. For this purpose, it shall have the following functions:

- (a) Formulate all the programs, projects and activities that shall be conducted in observance of the 50th Anniversary of the Lingayen Gulf Landings;
- (b) Prepare the implementing guidelines for all the programs, projects and activities that shall be undertaken for the commemoration;
- (c) Orchestrate and coordinate the implementation of all the programs, projects and activities that shall be undertaken for the commemoration;
- (d) Source funds and prepare the budget which shall be required by the Committee in the discharge of its functions; and
- (e) Perform other tasks as may be given by the President.

SECTION 3. Operational Relationships. In the conduct of all programs, projects and activities in the observance of the 50th Anniversary of the Lingayen Gulf Landings, the Committee shall coordinate with the National Centennial Commission.

The Committee is also authorized to call upon the assistance of any department, bureau, agency, office and other instrumentality of the Government, as well as invite non-governmental organization as it may deem necessary in the performance of its functions.

SECTION 4. Creation of Sub-Committees. The Committee may form sub-committees as it may deem necessary to effectively carry out its duties and responsibilities.

SECTION 5. Technical and Secretariat Support. The Department of National Defense shall provide technical, secretariat and administrative support to the Committee.

SECTION 6. Funding. Funds necessary to carry out the provisions of this Administrative Order shall be taken from the respective appropriations of the concerned agencies.

SECTION 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 30th day of August, in the year of our Lord, Nineteen hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 145
CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE
COMMEMORATION OF THE 50TH ANNIVERSARY OF THE LIBERATION
OF MANILA ON 3 FEBRUARY TO 5 MARCH 1995

WHEREAS, February 3 to March 3, 1995 marks the 50th Anniversary of the Liberation of Manila which was part of the effort to liberate the Philippines from the Japanese occupation during the World War II;

WHEREAS, this event should be appropriately observed to promote, preserve and memorialize the principles, ideals and deeds of Filipino military veterans as a means of enhancing patriotism and love of country, especially among the youth of the land;

WHEREAS, the commemoration of this event should be focused on the values of freedom and lasting peace for which Filipino war veterans fought valiantly, many of whom paid the ultimate sacrifice;

WHEREAS, there is a need to coordinate all activities that are envisioned to foster nationalism among Filipinos, particularly with that of the National Centennial Commission, which was created pursuant to E.O. 128, dated October 4, 1993, to act as the principal coordinator for all activities related to the Centennial Celebrations of the Philippine Independence;

NOW, THEREFORE, I FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a National Executive Committee. There is hereby constituted a National Executive Committee on the Commemoration of the 50th Anniversary of the Liberation of Manila hereinafter referred to as the Committee, to be composed of the following:

- (a) The Executive Secretary;
 - (b) The Secretary of National Defense;
 - (c) The Secretary of Tourism;
 - (d) The Secretary of Foreign Affairs;
 - (e) The Secretary of Education, Culture and Sports;
 - (f) The Secretary of Interior and Local Government;
 - (g) The Secretary of Transportation and Communications;
 - (h) The Secretary of Public Works and Highways;
 - (i) The Secretary of Budget and Management;
 - (j) The Secretary of Environment and Natural Resources;
 - (k) The Secretary of Finance;
 - (l) Press Secretary;
 - (m) Chairman, Metro Manila Authority;
 - (n) Mayor, City of Manila;
 - (o) Head, Philippine Information Agency;
 - (p) Chief of Staff, Armed Forces of the Philippines;
-

- (q) Chief, Philippine National Police;
- (r) Administrator, Philippine Veterans Affairs Office;
- (s) Chairman, National Historical Institute;
- (t) President, University of Sto. Tomas;
- (u) President, Veterans Federation of the Philippines;
- (v) National President, Boy Scouts of the Philippines;
- (w) Chairman, MEMORARE – Manila 1945;
- (x) National President, Girl Scouts of the Philippines; and,
- (y) Chief, Military Shrines Service.

The Chairman of the Committee shall be the Secretary of National Defense and the Vice Chairman shall be the Secretary of Tourism.

Section 2. Functions of the Committee. The Committee shall take charge of the preparations for the 50th Anniversary of the Liberation of Manila on 3 February to 3 March 1995. For this purpose, it shall have the following functions:

- (a) Formulate all the programs, projects and activities that shall be conducted in observance of the 50th Anniversary of the Liberation of Manila;
- (b) Prepare the implementing guidelines for all the programs, projects and activities that shall be undertaken for the commemoration;
- (c) Orchestrate and coordinate the implementation of all the programs, projects and activities that shall be undertaken for the commemoration;
- (d) Source funds and prepare the budget which shall be required by the Committee in the discharge of its functions; and
- (e) Perform other tasks as may be given by the President.

SECTION 3. Operational Relationships. In the conduct of all programs, projects and activities in the observance of the 50th Anniversary of the Liberation of Manila, the Committee shall coordinate with the National Centennial Commission.

The Committee is also authorized to call upon the assistance of any department, bureau, agency, office and other instrumentality of the Government, as well as invite non-governmental organization as it may deem necessary in the performance of its functions.

SECTION 4. Creation of Sub-Committees. The Committee may form sub-committees as it may deem necessary to effectively carry out its duties and responsibilities.

SECTION 5. Technical and Secretariat Support. The Department of National Defense shall provide technical, secretariat and administrative support to the Committee.

SECTION 6. Funding. Funds necessary to carry out the provisions of this Administrative Order shall be taken from the respective appropriations of the concerned agencies.

SECTION 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 30th day of August, in the year of our Lord, Nineteen hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 146

AMENDING ADMINISTRATIVE ORDER NO. 77, DATED AUGUST 18, 1993, ENTITLED “CREATING A PHILIPPINE NATIONAL COMMISSION FOR THE PHILIPPINE FESTIVAL OF ARTS AND CULTURE IN FRANCE AND OTHER COUNTRIES OF EUROPE IN 1994 REVOLVING AROUND THE SPECIAL EXPOSITION IN PARIS OF THE TREASURES FOUND IN THE ‘SAN DIEGO’ GALLEON”, SUBSEQUENTLY AMENDED BY ADMINISTRATIVE ORDER NO. 124 DATED MARCH 17, 1994, CHANGING THE TITLE THEREOF TO “CREATING THE PHILIPPINE NATIONAL COMMISSION FOR THE 1994-1995 PHILIPPINE FESTIVAL OF ARTS AND CULTURE IN FRANCE AND OTHER EUROPEAN COUNTRIES” AND MEMBERSHIP OF THE COMMISSION TO CHANGE FROM “CHAIRMAN, PLDT” TO THE “PRESIDENT, PLDT”

By virtue of the powers vested in me by law, I, FIDEL V. RAMOS, President of the Philippines, do hereby amend Administrative Order No. 77, dated August 18, 1993, as amended by Administrative Order No. 124, dated March 17, 1994, to include the Chairman and Commissioner and Executive Director, both of the National Centennial Commission as members of the Philippine National Commission for the 1994-1995 Philippine Festival of Arts and Culture in France and other European countries.

Done in the City of Manila, this 31st day of August, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 147
CREATING A SPECIAL COMMITTEE TO STUDY THE LEGALITY AND PROPRIETY OF THE
PETRON EMPLOYEES STOCK OWNERSHIP PLAN

I, FIDEL V. RAMOS, President of the Philippines, by virtue of the power vested in me by law, do hereby create a Special Committee to study the legality and propriety of the Petron employees Stock Ownership Plan, composed of:

Chairman	–	Hon. Luis C. Liwanag II Deputy Executive Secretary, OP
Member	–	Hon. Edijer A. Martinez Executive Director, S.E.C.
Member	–	Mr. Meliton V. Salazar Representative of Private Sector

The Committee is hereby authorized to call upon any department, bureau, office, agency, or instrumentality of the Government for such assistance as it may need in the performance of its functions.

The Committee shall submit its findings and recommendations within ninety (90) days hereof.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 6th day of September, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT

ADMINISTRATIVE ORDER NO. 148
CREATING THE TASK FORCE ON CREDIT FOR THE POOR OF THE PRESIDENTIAL
COMMISSION TO FIGHT POVERTY

WHEREAS, the access to credit by the marginalized sectors of the population is envisioned to complement developmental efforts for the creation and equitable distribution of wealth in the countryside;

WHEREAS, there is a need to provide affordable credit to these sectors and their organizations and associations in a manner that promotes the values of people empowerment and self-reliance;

WHEREAS, there is a need to evolve and institutionalize an indigenous mechanism that will lead to the development of an alternative banking, financing and credit system for the poor;

WHEREAS, Section 4 of Executive Order No. 12 which provides for the creation of the Presidential Commission to Fight Poverty empowers the Commission “to set up task forces/mechanisms to address specific poverty issues”,

NOW, therefore, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law do hereby order:

Section 1. The creation of the Task Force on Credit for the Poor, as an action arm of the Presidential Commission to Fight Poverty on the issue of access to credit by marginalized and disadvantaged sectors of the population, particularly the rural poor. Its main task shall be to review the existing credit for the poor programs and mechanisms of Government with the view of rationalizing the Credit-For-The-Poor Program and formulating a Master Plan for a People’s Credit and Finance Corporation, for approval by the President.

Sec. 2. The Task Force shall be co-chaired by representatives of the Presidential Commission to Fight Poverty and of the Kabisig People’s Movement. Its members shall include representatives from the Department of Finance, Land Bank of the Philippines, the Office of the President, the Cooperative Development Authority and two representatives from the NGO sector to be appointed by the Task Force Co-Chairman.

Sec. 3. The Land Bank of the Philippines shall act as Secretariat for the Task Force.

Sec. 4. In formulating the Master Plan, the Task Force is authorized to:

(a) design and pilot alternative credit mechanisms in selected vulnerable areas in the countryside, insofar as these mechanisms are not similar to existing mechanisms and may be viewed as preparatory to the structuring of a People’s Credit and Finance Corporation, subject to approval by the President;

(b) identify fund resources for a People’s Credit and Finance Corporation;

(c) propose executive issuances to expand access to credit by the poor.

Sec. 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 8th day of September, in the year of our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 149

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 149 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila : Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 150

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 150 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila : Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 151
CREATING AN AD-HOC COMMITTEE TO FOCUS AND INTEGRATE
RESEARCH AND DEVELOPMENT

WHEREAS, research and development is a critical ingredient for competitiveness, growth and development;

WHEREAS, there exist numerous and diverse research and development activities being undertaken by government instrumentalities, especially by the various state colleges and universities nationwide;

WHEREAS, there is a need to integrate the various research and development to ensure complementation of activities, effect cost savings and achieve higher impact on targeted beneficiaries; and,

WHEREAS, there is a need to refocus the current thrusts on research and development towards achieving competitiveness, especially in agriculture.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of an Ad hoc Committee to Focus and Integrate Research and Development. There is hereby created an Ad hoc Committee to focus and integrate research and development activities of the government, hereinafter referred to as the “Committee”, which is mandated to rationalize and integrate the government’s research and development efforts, especially in the agricultural sector.

SEC. 2. Composition. The Committee shall be chaired by the Department of Agriculture and Vice-Chaired by the Department of Science and Technology. The Committee shall have the following as members:

- a) Department of Trade and Industry;
- b) Department of Budget and Management;
- c) Commission on Higher Education; and
- d) Two (2) private sector representatives to be appointed by the President, upon recommendation of the Committee.

The Committee may call upon any government agency and government owned and controlled corporation to assist in the performance of the Committee’s mandate and functions.

SEC. 3. Functions. The Committee shall have the following duties and responsibilities:

- a) Prepare an inventory of existing research and development activities in the government, focusing on the agricultural sector;
- b) Rationalize the research and development activities towards the following parameters;

- b.1) One-institution, one-crop concept;
- b.2) More effective commercialization of research and development results/outputs; and,
- b.3) More effective networking and marketing to ensure proper planting schedule and marketing of produce.

SEC. 4. Secretariat. The Department of Agriculture shall provide the technical and administrative support to the Committee.

SEC. 5. Term of Committee. The Committee shall be in existence for a period of one (1) year from the issuance of this Order, within which it should have completed the inventory of research and development and submitted their proposed rationalization.

SEC. 6. Repealing Clause. All issuances, orders, rules and regulations, or parts thereof, which are inconsistent with any of the provisions of this Administrative Order, are hereby repealed or modified accordingly.

SEC. 7. Effectivity. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 26th day of September, in the Year of Our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 152
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF
ALL THE BENEFITS UNDER THE LAW OF BUREAU OF INTERNAL REVENUE (BIR)
REGIONAL DIRECTOR OSMUNDO G. UMALI

This Office is in receipt of the Resolution by the Presidential Commission Against Graft and Corruption (Commission) issued on September 23, 1994 on the administrative cases against Bureau of Internal Revenue (BIR) Regional Director Osmundo G. Umali for alleged violations of internal revenue laws and regulations committed by the respondent during his incumbency as Regional Director for Manila from November 29, 1993 to March 15, 1994 and for Makati from March 16, 1994 until August 3, 1994, to wit:

- A. Issuance of Letters of Authority (LAs) to investigate taxpayers despite the ban on investigations as ordered in Revenue Memorandum Order No. 31-93. In numerous cases, revenue officers whose names appeared in the LA's as investigating officers were unaware that such LA's were issued to them. He issued LA's to favored revenue examinees such as his Secretary, Natividad Feliciano;
- B. Termination of tax cases without the submission of the required investigation reports, thus exempting the same from examination and review;
- C. Terminated cases with reports were submitted directly to and approved by respondent Umali without being reviewed by the Assessment Division, thus, eliminating the check and balance mechanism designed to guard against abuses or errors;
- D. Unlawful issuance of LA's to taxpayers who were thereafter convinced to avail of the BIR's compromise and abatement program under RMO's 45-93, and 54-93, for which the taxpayers were made, for a monetary consideration, to pay smaller amounts in lieu of being investigated;
- E. Despite the devolution of the authority to issue LA's from Regional Directors to the Revenue District Officers under RMO 26-94, dated April 14, 1994, respondent Umali continued to issue antedated LA's in absolute defiance of the aforesaid issuance, using old LA's requisitioned by him when still Regional Director of San Pablo Region. In one instance, he issued a termination letter bearing the San Pablo Region letterhead even when he was already Makati Regional Director; and
- F. In his attempt to cover up his tracks and to muddle the real issue of his violations of the ban in the issuance of LA's and basic revenue rules and regulations, respondent enlisted the support of other regional directors for the purpose of questioning the reorganization process being undertaken in the Bureau, particularly the devolution/decentralization of the function of the Bureau.

The dispositive portion of the Commission's 35-page Resolution states:

“From all the foregoing, this office summarizes its findings as follows:

1. On the First Charge – Respondent issued 176 Letters of Authority in gross disobedience to and in violation of RMOs 31-93 and 27-94.
2. On the Second Charge – There is insufficient evidence to establish respondent’s responsibility for violation of RMO 5-86 and 37-94 as charged.
3. On the Third Charge – There is sufficient evidence of a prima facie case of falsification of official documents as defined in Art. 171, par. 2 and 4 of the Revised Penal Code, against respondent for the issuance of 9 LA’s stating therein the names of Revenue Examiners who were unaware of the LA’s and who did not investigate the tax cases, each LA being a separate offense.
4. On the Fourth Charge – There is insufficient evidence of wrong-doing by respondent arising from or on the occasion of the Office audit of FEP Company. However, respondent violated RMO 27-94 as well as the ban on the issuance of LA’s and the investigation of tax cases under RMO 31-93. The reinvestigation of the tax case of FEP is also recommended to the BIR.
5. On the Fifth Charge – There is insufficient evidence that respondent violated any law or regulation by the “hasty termination” of the tax cases cited in this charge. In view of the on-going investigation by the BIR Audit Team to review “in-depth” the hasty closed tax cases, it would be premature at this time to rule on this charge until the result of the in-depth review are known.
6. On the Sixth Charge – There is insufficient evidence to support this charge against respondent. The alleged five “favorites” named in the charges are not parties to this proceeding, so this Commission does not rule on their alleged responsibility.
7. On the Seventh Charge – There is sufficient evidence of a prima facie case of falsification of official documents against respondent for ante-dating the four LA’s cited in the charge, each LA constituting a separate offense, under Art. 171 (4) of the Revised Penal Code.
8. On the Ninth (sic) Charge – There is sufficient evidence to support a prima facie case of falsification of an Official document under Art. 171 (4) of the Revised Penal Code against respondent in the tax case of Richfield International Corp., Inc., for indicating a false date on the letter of termination he issued to the company. There is however insufficient evidence against respondent in the other tax case of Jayson Auto Supply Co.
9. On the Ninth Charge – There is sufficient evidence of a prima facie case of falsification of official documents in each of the two tax cases cited in his charge, under the provisions of Art. 171 (4) of the Revised Penal Code, as the dates of the Termination Letters were false.
10. On the Tenth Charge – Respondent, by his own admission, violated RMO 36-87 requiring turn over of all properties and forms to his successor upon transfer as head of office, and RMO 27-94 requiring the surrender of all unused old forms of Letters of Authority. The Commission notes the defiant attitude of respondent, as expressed in his admission, towards valid and legal orders of the BIR, and his propensity to defy and ignore such orders and regulations.
11. On the Eleventh Charge – The Commission refrains from making a finding on this charge which involves the question of validity of Regional Memorandum Order 3-94

issued by respondent. The question is for the Commissioner of Internal Revenue to address and resolve.

12. On the issued raised by respondent re- the Memorandum/Petition to the Commissioner signed by Regional Directors, of whom respondent was the spokesman when it was submitted and discussed, the Commission agrees with respondent that no law, rule or regulation was violated.

In support of its findings, the Commission adduced the following evidence in its Resolution:

“ON THE FIRST CHARGE – ISSUANCE OF LA’s IN VIOLATION OF THE BAN --

The first charge against respondent is that he issued LA’s during the period covered by the ban. The audit uncovered 35 LA’s issued by respondent in Manila (November 29, 1993 to March 15, 1994), and 141 in Makati (March 16, 1994 to August 3, 1994). Copies of the LA’s signed and issued by the respondent during the ban are attached to the Progress Audit Report (Annexes 1 and 2). Their genuineness and authenticity are not questioned by respondent. All the LA’s violated the ban as shown on the date of issuance. However, respondent claims that the LA’s in question were “actually signed and issued by his Revenue District Officer, with the respondent’s approval being ministerial”.

x x x

It can be seen [from RR No. 004730513] that respondent, the Regional Director, signed as the issuing official of the LA, which is a formal letter addressed to the taxpayer; while the Revenue District Office, Beltran A. Dy, signed under “Recommended by:”. Respondent’s claim that his approval was ministerial is not supported by the form and contents of the LA’s. He cannot escape culpability by imputing graver responsibility on his subordinates Beltran A. Dy.

Again, he claimed that the ban was lifted by implication by RMO 26-94 dated April 11, 1994 (Annex C of Progress Report). This Memorandum sets down, among others, rules for the issuance of LA’s and specifically provides in Section E thereof that LA’s should be issued and approved by the Revenue District Officer, and only for the tax returns which correspond with the selection criteria outlined in the authority to issue LA’s. A review of the entire Order did not show any indication to repeal or modify RMO 31-93, or to lift the ban. x x x Respondent further claims that the ban was lifted by implication by Revenue Travel Authorization Order (RTAO) No. 72-93 dated November 11, 1993 which ordered the reassignment of all 19 Regional Directors, and by other RTAO’s which completed the reorganization/reshuffling of personnel. This claim cannot be taken seriously. The reorganization of the Bureau of Internal Revenue does not consist merely in the reshuffling of personnel, but includes changes in policies, procedures, etc.

Respondent also questioned the fairness and wisdom of the ban. This is a matter of his opinion, which is not relevant to the question of whether or not the Memorandum or the ban was legally in effect.

x x x

ON THE THIRD CHARGE -- THAT LA's WERE ISSUED UNDER THE NAMES OF REVENUE OFFICERS (RO's) WHO DISCLAIMED KNOWLEDGE OF SUCH ASSIGNMENTS TO INVESTIGATE THE TAX CASES STATED THEREIN.

Four Revenue Examiners executed sworn statements (Annexes 4, 4A and 4B) denying that they were assigned by respondent to investigate, and did not investigate, cases under LA's issued by respondent during the ban, though they are named in the LA's as the investigating officers:

1. RO Bienvenido M. Villegas

LA No. 0088176B dated Feb. 22, 1994 addressed to Henry King (Henry Trading)

LA No. 0088162B dated Feb. 8, 1994 addressed to Remal Enterprise, Inc.

LA No. 0088161B dated Feb. 25, 1994 addressed to Richfield International, Inc.

LA No. 00494934RR dated March 1, 1994 address to Merriam and Webster Bookstore, Inc.

LA No. 00494936RR no date addressed to Manila Pest Control Co., Inc.

LA No. 00494947RR dated Feb. 25, 1994 addressed to TW and Co.

LA No. 0510999RR dated Feb. 25, 1994 addressed to Golden Exim Trading and Commercial Corp.

2. RO Thelma F. Monge and Supervisor Teresita Sanchez

LA No. 0124031 dated Feb. 3, 1994 addressed to JTKC Realty Corporation.

3. RO Carmelo D. San Ramon, Jr.

LA No. 0088139B dated Feb. 3, 1994 addressed to Good Morning Co.

Respondent's defense is that he should not be blamed if these examiners suffer loss of memory. He claims that the failure of the examiners to recall some of the LA's issued to them does not warrant a conclusion that respondent used the names of said Revenue Officers without their knowledge, and that such accusation should be based on facts and not pure speculation.

The sworn statements of the four revenue officials denying knowledge and participation in the audit under the LA's issued by respondent (during the ban) support the charge, which can no longer be considered "pure speculation". Respondent had ample opportunity to examine these sworn statements and could have refuted them if they were false, by some evidence besides bare denial.

The LA is an official document which is presented to the taxpayer and carries with it the authority of Government. Copies are filed with BIR official archives as part of the record of each tax case. Naming Revenue Examiners on the LA as the ones who would conduct the tax examination/audit, when the said officials were unaware of it, and in fact did not participate in the audit, destroys the trustworthiness and credibility of this important official document. This is an act which falls within the purview of paragraphs 2 and 4 of Article 171 of the Revised Penal Code, which provides:

"ART. 171. Falsification by public officer, employee or notary or ecclesiastic minister. -- The penalty of prison mayor and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

x x x

2. Causing it to appear that persons have participated in any act or proceeding when they did not act (sic) in fact so participate;

x x x

4. Making untruthful statements, in a narration of facts;

x x x”

The Commission finds that there is sufficient evidence of a prima facie case of falsification of official documents by respondent, each falsified LA cited above constituting a separate offense, under Art. 171 of the Revised Penal Code.

x x x

ON THE SEVENTH CHARGE -- DIRECTOR UMALI ISSUED ANTE-DATED LA's TO SUPERSEDE LA's ISSUED BY RDO's TO THE SAME TAXPAYER.

Complainant cited four specific cases where respondent issued LA's which were ante-dated, as follows:

1. LA RR No. 0088004 dated March 22, 1994 issued to investigate the withholding and all internal revenue taxes of Mindanao Textile Corporation of Makati for 1992, naming Revenue Officers Dionisio Lumagui and Natividad Feliciano as the authorized examiners, signed by respondent as Regional Director (Annex 8 to Audit Progress Report). However, this particular LA was received by respondent on April 4, 1994 as shown on the copy of the Invoice and Receipt of Accountable Forms signed by Natividad Feliciano, Revenue Officer I, Director's Office (Attached to Annex A). Among the LA forms listed were two pads, Letter of Authority (RR) with Serial Numbers 0088001-0088100 and 6 pads, Letter of Authority (RR) Serial Numbers 0088201-0088500.
2. LA RR No. 0088162B dated February 8, 1994 issued to investigate the income, VAT, withholding and other taxes of Remal Enterprises of Manila for 1992 naming Revenue Officer Bienvenido Villegas as the examiner, signed by respondent (Annex 9–Remal). This LA was received by respondent under a Requisition and Issue Voucher dated February 22, 1994, signed by respondent himself (Annex 10-A). It was part of 10 pads of Letter of Authority (RR) Serial Numbers 0088001B - 0088500B.
3. LA RR No. 0088139 B dated February 3, 1994 issued to investigate the income, business, withholding and other taxes of Good Morning Company, Tabora, Manila, naming Revenue Officer Carmelo San Ramon and Supervisor Greg M. Martin as the examiners, signed by respondent (Annex 9, Good Morning).

This LA came from the same series of LA's issued to respondent in number 2 above.

4. LA No. 0510999 RR dated February 25, 1994 issued to investigate the Income, business, and other taxes of Golden Exim Trading and Commercial Corporation, Room 115 Li Seng Yap,

Barraca St., Tondo, Manila, naming Revenue Officer Bienvenido Villegas of SID, Manila as the examiner, and signed by respondent.

This LA came from a series of 2 pads of LA's with Serial Numbers (RR) 0510901 – 0511000 under an Invoice and Receipt of Accountable Forms dated May 02, 1994 to respondent, Regional Director of Makati, and signed by Natividad C. Feliciano, Revenue Officer 1, Director's Office (Annex 10-B of Audit Progress Report).

Respondent was Regional Director of Makati on May 02, 1994, while this LA was issued for a company in Barraca St., Tondo, Manila. Revenue Officer B. Villegas was then assigned in the SID, Manila. He disowned under oath any knowledge of this LA and denied that he investigated the case (Annex 4 of Audit Progress Report).

Respondent did not respond to this charge. In light of the evidence cited in each of the above cases, there is little room for doubt that the LA's were ante-dated. In other words, the date indicated on each LA as the date it was made, signed/issued, was false. Since the LA forms were received by respondent on specific dates of receipt, the ante-dating was not a simple error, but was deliberately done considering the long interval between the dates on the LA's and the dates the forms were later actually received by respondent.

x x x

This Commission finds that there is sufficient evidence of a prima facie case of falsification of official documents by respondent, each falsified LA constituting a separate offense.

ON THE NINTH (sic) CHARGE -- TERMINATION LETTERS WERE ISSUED BY DIRECTOR UMALI BEFORE THE PAYMENT OF DEFICIENCY TAXES IN VIOLATION OF RMO 5-86 AND 28-83.

Two tax cases are cited under this charge:

1. In the case of Jayson Auto Supply, the Termination Letter was dated March 11, 1994 (Annex 13-A), and the ATAP date indicated was also March 11, 1994. The date validation was not indicated on the letter. However the ATAP (Annex 12) shows the bank's validation stamp date as March 14, 1994.
2. In the case of Richfield International, Inc., the termination letter (Annex 13) dated March 15, 1994 indicated the date of validation of payment on March 24, 1994.

Respondent answered this charge under VII, page 9 of his Memorandum. He explained that the discrepancy between the date of the termination letter and the date of payment was due to the early preparation of the letter, so that its date was not necessarily the date of release. Sometimes the typist forgot later on to type the date of validation of payment. He avers that since that taxes due were actually paid by the taxpayer, there was no prejudice to the government, and that the error did not render the investigation irregular.

Respondent's explanation is acceptable for the first case, that of Jason (sic) Auto Supply Co., Inc. where the termination letter was dated March 11th, the ATAP was dated also on March 14th (sic), though this is shown on the ATAP but not mentioned on the Letter of Termination.

But respondent's explanation is not satisfactory for the second case of Richfield where the Letter of Termination was dated March 15th and the validation of payment was shown as March 24th. It was impossible to know in advance on March 15th that payment would be validated on March 24th, nine days later, when respondent was already transferred to Makati. Since the validation date of March 24th was furnished by the Bank which accepted payment on that date, the March 15th date of the letter of termination was false. The letter could not have been properly issued before March 24th, and it was ante-dated to the last day of respondent's assignment in Manila.

The Commission therefore finds that there is sufficient evidence of prima facie case of falsification of an official document against respondent in the case of Richfield; that there is no similar finding on the Jayson case.

ON THE NINTH CHARGE -- TERMINATION LETTER TO SOME MANILA TAXPAYERS WERE ANTE-DATED BY DIRECTOR UMALI TO CONFORM TO HIS INCUMBENCY AS REGIONAL DIRECTOR OF MANILA.

Two cases are cited in this case, to wit:

1. The termination letter dated March 15, 1994, signed and issued by respondent to TW and Co. of Manila (Annex 14-A). It is indicated thereon that the Authority to Accept Payment (SN 29950) was dated March 15, 1994, and that the validation or confirmation of payment by the bank was March 17, 1994.
2. The termination letter dated March 15, 1994 signed and issued by respondent to Lepanto Builders Inc. of Sampaloc, Manila (Annex 15). The letter clearly indicated that the authority to accept payment was dated March 15, 1994, while the validation or confirmation by the bank was March 30, 1994.

Both cases were terminated ostensibly on the last day of respondent's assignment in Manila. In the first case, the tax payment on March 17th was stated on the letter of termination dated March 15th. In the second case, the tax payment on March 30th was stated on the letter of termination dated March 15th.

Respondent did not respond to this charge specifically. He did not explain the discrepancy appearing on the very face of the Letters of Termination.

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The falsification in the three tax cases, Richfield, TW and Co., and Lepanto Builders, is only on the date of the Letter of Termination. By dating the Letters falsely at March 15th, the signature of the respondent thereon would falsely conform to the last day of his assignment in Manila.

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ON THE TENTH CHARGE -- LA's REQUISITIONED IN 1991 BY DIRECTOR UMALI WHILE STILL THE REGIONAL DIRECTOR OF RR 4-C, SAN PABLO CITY,

WERE NOT TURNED OVER TO HIS SUCCESSOR BUT WERE ISSUED IN MANILA IN 1994. (Please see Annex H)

RMO No. 36-87 (Annex H) dated November 10, 1987 requires all transferred heads of offices to turn over to his incoming successor all property as well as official records within 20 days after effectivity of transfer order.

RMO No. 27-94 dated April 14, 1994 (Annex C) under part III thereof, requires the surrender of all unused old forms of Letter of Authority not later than April 30, 1994, the use of which was discontinued. In part II, guidelines for the use of the new LA forms are prescribed.

Respondent is charged with failure to surrender old unused LA forms in his possession, such as those issued to him while Regional Director at San Pablo City, which he continued to use in Manila.

Respondent's answer to this charge is brief (VIII, page 10 of his Memorandum). He impliedly admitted the charge, but claims that failure to turn over LA forms to his successor did not prejudice the government; that forms are the same and valid everywhere; that he simply avoided bureaucratic technicalities or requisitioning, surrendering and requisitioning all over again the same forms; that anyway, nothing is lost to the government.

The Commission notes from the answer the defiant attitude of respondent towards valid and legal orders of the BIR, and his propensity to defy and ignore such orders and regulations.

The Commission finds this charge against respondent established by his own admission.

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Finally, respondent asserts that there is no accusation in the audit report that he has committed any act of graft and corruption (XI page 11 of Memorandum); that the charges against him are only procedural in nature, etc.

Respondent's assertion is incorrect. This Commission is not bound by the classification of the charges by the parties. It will make its findings according to the legal import of the acts and/or omissions proven by the evidence of record, and under the applicable laws. Indeed, respondent is charged with violating rules and procedures prescribed by administrative orders duly issued by higher authority, yet the acts and omissions involved in the violations may also contravene existing penal laws.

The Anti-Graft and Corrupt Practices Act, (RA 3019), provides in its Sec. 3 (a):

“Sec. 3. Corrupt Practices of Public Officers. In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

a. Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.”

An offense of public officers involving violation of an administrative order is found in Art. 231 of the Revised Penal Code as follows:

“Art. 231. Open Disobedience. -- Any judicial or executive officer who shall openly refuse to execute the judgment, decision, or order of any superior authority made within the scope of the jurisdiction of the latter and issued with all the legal formalities, shall suffer the penalties of arresto mayor in its medium period to prision correctional in its minimum period, temporary special disqualification in its maximum period and a fine not exceeding 1,000 pesos.”

In the present case, respondent was found to have issued over the period of the ban, 176 LA's each in violation of RMO 31-93 and 27-94. Respondent clearly disobeyed and refused to carry out the ban prescribed in the said Revenue Administrative Orders. Accordingly, he also violated the provisions of Art. 231 of the Revised Penal Code, above, each time he issued an LA in disobedience to the Revenue Administrative Orders.

With respect to Sec. 3(a) of the Anti-Graft and Corrupt Practices Law, quoted above, the LA dated February 13, 1994 which respondent issued to M.Y. San Biscuits, Inc. x x x is cited by way of a specific instance for its application.

The LA was signed by respondent as regional director. It was also signed by Beltran A. Dy, Revenue District Officer, as the recommending officer. In the first paragraph of respondent's discussion (I, page 3 of Respondent's Memorandum), he averred that “almost all of the LA's attributed to herein respondent were actually signed and issued by his Revenue District Officer, with the respondent's approval being purely ministerial.” This LA was issued in violation of the ban; both respondent and Beltran Dy were aware of the ban under RMO 31-93. While the LA states that Beltran Dy was the recommending official, respondent claims that Dy was the official who signed and issued the same, and his approval of the banned LA was only ministerial. In the language of Sec. 3(a) above, respondent wanted it understood that it was he who was influenced, induced, or pressured by Beltran Dy to sign the banned LA in violation of RMO 31-93. However, it does not matter who between them pressured, induced, or influenced the other, because under Sec. 3(a), both the “inducer”, “influencer” or “pressurer” and the induced, influenced or pressured officials are equally penalized.

Then Section 9(a) of the same Anti-Graft Law provides:

“Sec. 9. Penalties for Violations. -- (a) Any public officer or private person committing any of the unlawful acts or omissions enumerated in Sections 3, 4, 5 and 6 of this Act shall be punished with imprisonment for not less than six years and one month nor more than fifteen years, perpetual disqualification from public office, and confiscation or forfeiture in favor of the Government of any prohibited interest and unexplained wealth manifestly out of proportion to his salary and other lawful income.”

From the foregoing, respondent is liable under Sec. 3(a) and subject to the penalties provided for in Sec. 9(a) of the Anti-Graft and Corrupt Practices Law, (RA 3019) for each LA issued in violation of the RMOs.

The Commission makes no pronouncement on Beltran A. Dy who is not a respondent in this case. No pronouncement is also made on the Revenue Officers named in the same LA as the authorized examiners of M.Y. San Biscuits, Inc., since they are also not respondents.

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This Commission rejects respondent's contention that the Audit Progress Report did not charge him with graft and corruption and that the charges against him are all procedural in nature. The Commission is not bound by the classification of the charges by the parties.

Acts and omissions in violation of administrative orders and regulations may also contravene existing penal laws. Thus, respondent's violations of Revenue Administrative Orders also violated the provisions of Art. 171 of the Revised Penal Code on falsification of official documents in some cases, and of Art. 231 of the Revised Penal Code defining and penalizing the offense of disobedience by refusing to obey the lawful orders of superior authority. In the present case, respondent is also liable for issuing 176 LA's, each in disobedience to lawful orders.

Again, under the Anti-Graft and Corrupt Practices Act (RA 3019), Sec. 3(a), respondent may be held liable for persuading, inducing or influencing another public official to violate the Revenue Administrative Order banning the issuance of Letters of Authority, or for allowing himself to be persuaded, induced, or influenced to commit the violation. Some 176 LA's were issued in violation of RMO 31-93, each of which is a separate violation."

We have reviewed the records and we find the charges substantiated. Accordingly, as recommended by the Presidential Commission Against Graft and Corruption, respondent OSMUNDO G. UMALI is hereby dismissed from the service with forfeiture of all benefits under the law.

DONE in the City of Manila, this 6th day of October, in the year of Our Lord, nineteen hundred and ninety four.

SO ORDERED.

Manila, Philippines

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 153
SUSPENDING WITHOUT PAY GOVERNOR ROMEO SALALIMA AND OTHER ELECTIVE
OFFICIALS OF THE PROVINCE OF ALBAY

On 26 November 1993, Administrative Order No. 94 was issued creating an Ad-Hoc Committee to investigate several administrative cases filed against certain elective officials of the Province of Albay, and thereafter to submit its findings and recommendations.

These cases, which are entitled and docketed as ‘Mayor Naomi Corral v. Governor Romeo Salalima, et al.’, OP Case No. 5470; Kagawad Francisco Alarte, et al. v. Governor Romeo Salalima, et al.’, OP Case No. 5469; ‘Mayor Naomi Corral v. Governor Romeo Salalima, et al.’, OP Case No. 5471; and ‘Mayor Antonio Demetriou v. Governor Romeo Salalima,’ OP Case No. 5450, were filed in accordance with Administrative Order No. 23 in relation to Section 61 of Republic Act No. 7161, otherwise known as the ‘Local Government Code of 1991.’

The Ad-Hoc Committee, composed of Interior and Local Government Undersecretary Victor R. Sumulong, Assistant Executive Secretary Renato C. Corona and Presidential Assistant Angel V. Saldivar, submitted its official report dated 26 August 1994 containing its findings and recommendations in the above-entitled cases.

Quoted below are the pertinent portions of said report:

“The finding of the Ad-Hoc Committee in OP Case Nos. 5470, 5469, 5471 and 5450 are as follows:

“I. OP Case No. 5470

“This refers to the administrative complaint filed by Tiwi Mayor Naomi Corral against Albay Governor Romeo Salalima, Vice-Governor Danilo Azaña, and Albay Sangguniang Panlalawigan Members Juan Victoria, Lorenzo Reyes, Arturo Osia, Clenio Cabredo, Vicente Go, sr., Jesus Marcellana, Ramon Fernandez, Jr., Masikap Fontilla, and Wilbor Rontas.

“Docketed as OP Case No. 5470, the complaint charges the respondents for malversation and consistent and habitual violation of pars. (c) and (d) of Section 60 of Republic Act (RA) No. 7160, otherwise known as the ‘Local Government Code.’

‘The antecedent facts are as follows:

“On 4 June 1990, the Supreme Court in the case entitled ‘*National Power Corporation (NPC) v. The Province of Albay, et al.*’, G.R. No. 87479, rendered judgment (Exhs. D to D-14) declaring, inter alia, NPC liable for unpaid real estate taxes on its properties in Albay covering the period 11 June 1984 to 10 March 1987.

“Citing the fact that its tax exemption privileges had been revoked, the Supreme Court held that NPC’s real properties, consisting mainly of geothermal plants in Tiwi and substation facilities in Daraga, are subject to real estate tax in accordance with Presidential Decree (PD) No. 464, as amended, otherwise known as the ‘Real Property Tax Decree.’

“Earlier, said properties were sold at an auction sale conducted by the Province of Albay (the ‘Province’) to satisfy NPC’s tax liabilities. Being the sole bidder at the auction, the Province acquired ownership over said properties.

“On 29 July 1992, the NPC through then President Pablo Malixi and the Province represented by respondent Salalima, entered into a Memorandum of Agreement (‘MOA’) [Exhs. 7 to 7-A] whereby the former agreed to settle its tax liabilities, then estimated at P214,845,104.76.

“Under the MOA, the parties agreed that:

- the actual amount collectible from NPC will have to be recomputed/revalidated;
- NPC shall make an initial payment of P17,763,000.00 upon signing of the agreement;
- the balance of the recomputed/revalidated amount (less the aforesaid initial payment), shall be paid in twenty-four (24) equal monthly installments to commence in September 1992; and
- ownership over the auctioned properties shall revert to NPC upon satisfaction of the tax liabilities.

“On 3 August 1992, Mayor Corral formally requested the Province through respondent Salalima, to remit the rightful tax shares of Tiwi and certain barangays of Tiwi where NPC’s properties are located (‘concerned barangays’) relative to the payments made by NPC (Exh. B).

“On the same day, 3 August 1992, the Tiwi Sangguniang Bayan passed Resolution No. 12-92 (Exhs. G to G-1) requesting the Albay Sangguniang Panlalawigan to hold a joint session with the former together with Mayor Corral and the Sangguniang Pambarangays of the concerned barangays, for the purpose of discussing the distribution or application of the NPC payments.

“On 10 August 1992, respondent Salalima replied that the request cannot be granted as the initial payment amounting to P17,763,000.00 was only an ‘earnest money’ and that the total amount to be collected from NPC was still being validated (Exh. 1).

“Not satisfied with respondent Salalima’s response, Mayor Corral complained to NPC about the Province’s failure to remit Tiwi’s and the concerned barangays’ shares in the payments made by NPC (Exh. 50-C).

“On 14 August 1992, President Malixi informed respondent Salalima that the representatives of both NPC and the Province have reconciled their accounts and determined that the amount due from NPC was down to P207,375,774.52 (Exh. 20).

“Due to the brewing misunderstanding between Tiwi and the concerned barangays on the one hand, and the Province on the other, and so as not to be caught in the middle of the controversy, NPC requested a clarification from the Office of the President as to the scope and extent of the shares of local government units in real estate tax collections (Exhs. 6 to 6-A).

“Meantime, the Albay Sangguniang Panlalawigan passed Resolution No. 178-92 dated 8 October 1992 (Exh. R) and Resolution No. 204-92 dated 5 November 1992 (Exh. S) appropriating P9,778,932.57 and P17,663,431.58 (or a total of P27,442,364.15) from the general fund to satisfy ‘prior years’ obligations and to implement certain projects of the Province. These resolutions were approved by respondent Salalima on 22 October 1992 and 6 November 1992, respectively.

“On 3 December 1992, the Office of the President through Chief Presidential Legal Counsel Antonio Carpio opined that the MOA entered into by NPC and the Province merely recognized and established NPC’s tax liability. He further clarified that the sharing scheme and those entitled to the payments to be made by NPC under the MOA should be that provided under the law, and since Tiwi

is entitled to share in said tax liabilities, NPC may remit such share directly to Tiwi. The pertinent portion of Chief Presidential Legal Counsel Carpio's letter dated 3 December 1992 (Exhs. H to H-1) addressed to President Malixi reads:

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'The Memorandum of Agreement entered into by the Province of Albay and NPC merely enunciates the tax liability of NPC. The Memorandum of Agreement does not provide for the manner of payment of NPC's liability. Thus, the manner of payment as provided for by law shall govern. In any event, the Memorandum of Agreement cannot amend the law allowing the payment of said taxes to the Municipality of Tiwi.

'The decision in the case of *NPC v. Province of Albay* (186 SCRA 198), likewise, only establishes the liability of NPC for real property taxes but does not specifically provide that said back taxes be paid exclusively to Albay province.

'Therefore, it is our opinion that the NPC may pay directly to the municipality of Tiwi the real property taxes accruing to the same.

'Please be guided accordingly.

'Very truly yours,
(Sgd.) 'ANTONIO T. CARPIO
'Chief Presidential Legal Counsel'

"Because of this opinion, President Malixi, through a letter dated 9 December 1992 (Exhs. I to I-1), informed Mayor Corral and respondent Salalima that starting with the January 1993 installment, NPC will directly pay Tiwi its share in the payments under the MOA. He also invited the parties to a clarificatory meeting on 17 December 1992 at his Quezon City office to discuss the matter in detail.

"Only Mayor Corral attended the 17 December 1992 meeting with President Malixi as respondent Salalima was indisposed. President Malixi then provided Mayor Corral with schedules (Exhs. J to J-2) of the payments already made by NPC under the MOA and the computation and the distribution of shares.

"As of 9 December 1992, payments made by NPC to the Province reached P40,724,471.74, broken down as follows:

Payment Dates	Amount
July 29, 1992	P17,763,000.00
Sept. 3, 1992	4,660,255.80
Oct. 5, 1992	6,820,480.02
Nov. 5, 1992	5,740,367.96
Dec. 9, 1992	5,740,367.96
Total	P40,724,471.74 =====

“On 19 December 1992, in an apparent reaction to NPC’s decision to directly remit to Tiwi its share in the payments made and still to be made pursuant to the MOA, the Albay Sangguniang Panlalawigan passed Ordinance No. 09-92 (Exhs. K to K-1), which, among others:

- authorized the Provincial Treasurer upon the direction of the Provincial Governor to sell the real properties (acquired by the Province at the auction sale) at a public auction, and to cause the immediate transfer thereof to the winning bidder; and
- declared as forfeited in favor of the Province, all the payments already made by NPC under the MOA.

“Realizing from the actuations of the respondents that Tiwi’s share in the P40,724,471.74 payments already made by NPC will not be forthcoming, Mayor Corral filed the present complaint with the Office of the President on 25 January 1993.

“In determining whether the respondents are guilty of the charges against them, the threshold issue of whether the payments to be made by NPC under the MOA should accrue solely and exclusively in favor of the Province, must first be resolved.

“Sections 38, 39, 41, 86 and 87 of PD No. 464, as amended, prescribe the authority of local government units to levy real property tax as well as the sharing scheme among local government units including the national government with respect thereto. Said provisions read:

‘**SEC. 38. *Incidence of Real Property Tax.*** – There shall be levied, assessed, and collected in all provinces, cities and municipalities an annual ad valorem tax on real property, such as land, buildings, machinery and other improvements affixed or attached to real property not hereinafter specifically exempted.

‘**SEC. 39. *Rates of Levy.*** – The provincial, city or municipal board or council shall fix a uniform rate of real property tax applicable to their respective localities as follows:

(1) In the case of a province, the tax shall be fixed by ordinance of the provincial board at the rate of not less than one fourth of one percent but not more than one-half of one percent of the assessed value of real property;

(2) In the case of a city, the tax shall be fixed by ordinance of the municipal board or city council at the rate of not less than one-half of one percent but not more than two percent of the assessed value of real property; and

(3) In the case of a municipality, the tax shall be fixed by ordinance of the municipal council subject to the approval of the provincial board at the rate of not less than one fourth of one percent but not more than one-half of one percent of the assessed value of real property.

x x x

‘SEC. 41. *An Additional One Per Cent Tax on Real Property for the Special Education Fund.* – There is hereby imposed an annual tax of one per cent on real property, to accrue to the Special Education Fund created under Republic Act No. 5447, which shall be in addition to the basic real property tax which local governments are authorized to levy, assess and collect under this Code; Provided, That real property granted exemption under Section 40 of this pre Code shall also be exempt from the imposition accruing to the Special Education Fund. (as amended by PD No. 1913)

‘SEC. 86. *Distribution of proceeds.* – (a) The proceeds of the real property tax, except as otherwise provided in this Code, shall accrue to the province, city or municipality where the property subject to the to tax is situated and shall be applied by the respective local government unit for its own use and benefit.

‘(b) Barrio shares in real property tax collections. - The annual shares of the barrios in real property tax collections shall be as follows:

‘(1) Five per cent of the real property tax collections of the province and another five percent of the collections of the municipality shall accrue to the barrio where the property subject to the tax is situated.

‘(2) In the case of the city, ten percent of the collections of the tax shall likewise accrue to the barrio where the property is situated.

x x x

‘SEC. 87. *Application of proceeds.* – (a) The proceeds of the real property tax pertaining to the city and to the municipality shall accrue entirely to their respective general funds. In the case of the province, one-fourth thereof shall accrue to its road and bridge fund and remaining three-fourths of its general fund.

‘(b) The entire proceeds of the additional one per cent real property tax levied for the Special Education Fund created under R.A. No. 5447 collected in the province or city on real property situated in their respective territorial jurisdictions shall be distributed as follows:

‘(1) Collections in the provinces; Fifty-five per cent shall accrue to the municipality where the property subject to the tax is situated; twenty-five per cent shall accrue to the province; and twenty per cent shall be remitted to the Treasurer of the Philippines.’ (as amended by PD No. 1969)

x x x

‘(c) The proceeds of all delinquent taxes and penalties, as well as the income realized from the use, lease or other disposition of real property acquired by the

province or city at a public auction in accordance with the provisions of this Code, and the proceeds of the sale of the delinquent real property or of the redemption thereof, shall accrue to the province, city or municipality in the same manner and proportion as if the tax or taxes had been paid in regular course.'

x x x (Underscoring supplied)

"The foregoing provisions clearly show that local government units may levy and collect real property tax ranging from a low of one-fourth of one percent (0.25%) to a high of two percent (2.0%) of the assessed value of real property depending on the local government unit levying the same. It is likewise clear that a province, a municipality and a city may each separately levy said tax on real property located within their respective jurisdictions but not exceeding the rates prescribed under Sec. 39 of PD No. 464.

"And apart from said basic tax, the law authorizes the collection of an additional tax equivalent to one percent (1.0%) of the assessed value of real property to accrue to the Special Education Fund (SEF).

"In accordance with the authority conferred upon them by PD No. 464, the following tax resolutions or ordinances were passed:

"By the Province –

"Resolution No. 30, series of 1974, of the Provincial Board of Albay, enacting Provincial Tax Ordinance No. 4 whose Section 1, provides

"There shall be levied, assessed and collected an annual ad valorem tax on real properties including improvements thereon equivalent to one half of one percent of the assessed value of real property.

"By the Municipality of Tiwi –

"Ordinance No. 25, series of 1974, of the Sangguniang Bayan of Tiwi, Albay, whose Section 2 provides:

"That the tax rate of real property shall be one-half of one percent of the assessed value of real property.

"By the Municipality of Daraga –

"Ordinance No. 27, series of 1980, of the Sangguniang Bayan of Daraga, Albay, whose Section 3 provides:

"Rates of Levy. – The tax herein levied is hereby fixed at one-half of one percent (1/2 of 1%) of the assessed value of real property. (see Exhs.. 50-G; Underscoring supplied)

"Applying said rates of levy, the real property taxes collectible from NPC are:

1. A basic tax of 1%, levied by the Province (0.5%) and Tiwi (0.5%) on the one hand; and the Province (0.5%) and Daraga (0.5%), on the other; and

2. The additional 1% tax pertaining to the SEF.

or a total of 2.0% on the assessed value of NPC's real properties.

"On the other hand, sharing on said taxes, shall be as follows:

1. On the basic tax:

Provinces	47.5%
Municipality	47.5%
Barangay	<u>5.0%</u>
Total	100.0%

2. On the additional tax pertaining to the SEF:

Province	25.0%
Municipality	55.0%
National Government	<u>20.0 %</u>
Total	100.0%

"In real terms, the ₱40,724,471.74 in payments earlier made by NPC should be shared by the Province, Tiwi and Daraga, the concerned barangays and the national government, as follows:

	<u>Province</u>	<u>Municipalities</u>	<u>Barangays</u>	<u>Natl. Govt.</u>
Basic Tax	P9,672,062.04	9,672,062.04	1,018,111.79	none
SEF	<u>4,072,447.18</u>	<u>10,181,117.93</u>	<u>none</u>	<u>6,108,670.76</u>
Total	<u>P13,744,509.22</u>	<u>19,853,179.97</u>	<u>1,018,111.79</u>	<u>6,108,670.76</u>

"This shows that the Province is entitled only to P13,744,509.21 of the P40,724,471.74 aggregate payments by NPC. On the other hand, the balance of P26,979,962.52 represents the collective shares of Tiwi, Daraga, the concerned barangays and the national government.

"The Province maintains, however, that considering that it acquired ownership over the properties of NPC subject matter of the auction, all the payments to be made by NPC under the MOA should accrue exclusively to the Province.

"This is untenable. The law clearly provides that 'the proceeds of all delinquent taxes and penalties as well as the income realized from the xxx disposition of real property acquired by the province or city at a public auction xxx, and the sale of delinquent property or the redemption thereof shall accrue to the province, city or municipality in the same manner and proportion as if the tax or taxes have been paid in the regular course' (Sec. 87 (C), supra.).

"It is immaterial that the Province was the highest bidder and eventually became the owner of the properties sold at the auction sale. What is essential is that the proceeds of the re-sale of said properties acquired by the Province, be distributed in the same manner and proportion among the rightful beneficiaries thereof as provided by law.

“This was the import and essence of Chief Presidential Legal Counsel Carpio’s opinion when he stated that the sharing scheme provided by law cannot be amended by a mere agreement between the taxpayer, in this case NPC, and the collecting authority, in this instance, the Province of Albay.

“Likewise, it is axiomatic that while ‘contracting parties may establish stipulations, clauses, terms and conditions as they may deem convenient’, they may not do so if these are ‘contrary to law, morals, good customs, public order or public policy’ (Art. 1306, New Civil Code).

“Also relevant to the discussion are the following provisions of the Local Government Code of 1991:

‘**SEC. 307. *Remittance of Government Monies to the Local Treasury.*** – Officers of the local government authorized to receive and collect monies arising from taxes, revenues, or receipts of any kind shall remit the full amount received and collected to the treasury of such local government unit which shall be credited to the particular account or accounts to which the monies in question properly belong.

‘**SEC. 308. *Local Funds.*** – Every local government unit shall maintain a General Fund which shall be used to account for such monies and resources as may be received by and disbursed from the local treasury. The General Fund shall consist of monies and resources of the local government which are available for the payment of expenditures, obligations or purposes not specifically declared by law as accruing and chargeable to, or payable from, any other fund.

‘**SEC. 309. *Special Funds.*** – There shall be maintained in every provincial, city, or municipal treasury the following special funds:

(a) Special Education Fund (SEF) shall consist of the respective shares of provinces, cities, municipalities and barangays in the proceeds of the additional tax on real property to be appropriated for purposes prescribed in Section 272 of this Code; and

(b) Trust Funds shall consist of private and public monies which have officially come into the possession of the local government or of a local government official as trustee, agent or administrator, or which have been received as a guaranty for the fulfillment of some obligation. A trust fund shall only be used for the specific purpose for which it was created or for which it came into the possession of the local government unit.’ (Underscoring supplied)

“These provisions are restatements of Sec. 3(4) and (5) of PD No. 1445 and both Sec. 43, Book V and Sec. 2(4) of Book V(B) of Executive Order No. 292, otherwise known as the ‘Administrative Code of 1987.’

“It is unmistakable from the foregoing provisions that the shares of Tiwi, Daraga, the concerned barangays and the national government in the payments made by NPC under the MOA, should be, as they are in fact, trust funds. As such, the Province should have, upon receipt of said payments, segregated and lodged in special accounts, the respective shares of Tiwi, Daraga, the concerned barangays and the national government for eventual remittance to said beneficiaries. Said shares cannot be lodged in nor remain part of, the Province’s general fund. Moreover, the Province cannot utilize said amounts for its own benefit or account (see also Sec. 86, PD No. 464, as amended).

“Therefore, the balance of P26,979,962.52 representing the collective shares of Tiwi and Daraga, the concerned barangays and the national government, cannot be appropriated nor disbursed by the Province for the payment of its own expenditures or contractual obligations.

“However, in total disregard of the law, the Province treated the P40,724,471.74 NPC payments as ‘surplus adjustment’ (Account 7-92-419) and lodged the same in its general fund. No trust liability accounts were created in favor of the rightful beneficiaries thereof as required by law.

“Report No. 93-11 (Exh. N), prepared and made by the Special Audit Office (SAO) of the Commission on Audit (COA) further support our findings, thus –

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Part II. Findings and Observations

“The audit findings, which are discussed in detail in the attached report, are summarized below:

‘1. The remittances of the NPC of the P40,704,471.74 from July to December 1992 representing partial payments of real tax delinquencies from June 22, 1984 to March 10, 1989, were not shared with the Municipalities of Tiwi, Daraga and the concerned barangays and the National Government in violation of PD 464. The Memorandum of Agreement entered into between the Province of Albay and Napocor cannot amend the provisions of PD 464 which specifies the sharing scheme of the real property tax among the province, city or municipality where the property subject to tax is situated and the National Government.

X X X

‘2. The collection of P40,724,471.74 was fully treated as surplus adjustment (Account 7-92-419) being prior years income, without creating a trust liability for the municipality and barangays concerned and national government. As of December 31, 1992, the balance of the account was only P25,668,653.12 thus, stressing that P15,255,815.62 was spent. xxx Under the General Fund, cash available was only P4,921,853.44 leaving practically no cash to answer for the shares of the Municipalities of Tiwi and Daraga and their barangays where the properties are located.’ (pp. 4 and 16; Underscoring supplied)

X X X

“As pointed out earlier, the Province was entitled only to P13,744,509.21 of the P40,724,471.74 in payments made by NPC. Thus, it may only appropriate and disburse P13,744,509.21. Any disbursements exceeding this amount would therefore be illegal.

“This Committee particularly notes the factual finding of COA that as of 31 December 1992, the actual cash balance of the Province’s general fund was only P4,921,353.44. This means that of the P40,724,471.74 actually paid by the NPC and lodged in the Province’s general fund by P35,803,118.30 was disbursed or spent by the Province. This exceeds the P13,744,509.21 share of the Province by P22,058,609.09.

“The foregoing may be illustrated as follows:

NPC payments received by the Province	P40,724,471.74
Less: Actual Cash Balance (general fund) as of 12-31-92	<u>4,921,333.44</u>
	P35,038,118.30
	=====

Less: Share of the Province	13,744,509.21
Amount Illegally Disbursed by the Province	P22,058,609.09
	=====

“We have already shown that Ordinance No. 09-92 (Exhs. K to K-1) declaring as forfeited in favor of the Province the entire amount of P40,724,471.74 paid by NPC to be patently illegal as it unlawfully deprives Tiwi and Daraga, the barangays concerned, and the national government of their rightful shares in said payments. Being illegal, said ordinance may not be used or relied upon by the respondents to justify the disbursements of funds in excess of their share.

“Neither may Resolution Nos. 178-92 and 204-92 be used to justify the disbursements considering that the appropriations made thereunder totalling P27,442,364.51 are to be funded by the P40,724,471.74 ‘surplus adjustment’ that includes the ‘trust funds’ not belonging to the Province. Even assuming that Resolution No. 178-92 authorizing the expenditure of P9,778,932.57 were to be taken from the Province’s share amounting to P13,744,509.21, the rest of the disbursements still have no legal basis. Clearly, this is violative of the funds fundamental rule that ‘(n)o money shall be paid out of the local treasury except in pursuance of an appropriation ordinance or law’ (par. [a], Sec. 305, Republic Act No. 7160).

“Respondents raise the common defense that the findings contained in SAO Report No. 93-11 are not yet final as they have filed an appeal therefrom.

“It is important to stress that the exceptions (Exhs. 50-B, 50-I, & 50-J) raised by the respondents to COA merely involve questions of law, i.e., as to whether the Province alone should be entitled to the payments made by NPC under the MOA, and whether the shares of Tiwi and Daraga, the concerned barangays, and the national government, should be held in trust for said beneficiaries.

“Considering that the factual findings under SAO Report 93-11 are not disputed, this Committee has treated said factual findings as final or, at the very least, as corroborative evidence.

“Respondents’ contention that COA’s factual findings, as contained in SAO Report No. 93-11 cannot be considered in this investigation is untenable. For no administrative or criminal investigation can proceed, if a respondent is allowed to argue that a particular COA finding is still the subject of an appeal and move that the resolution of such administrative or criminal case be held in abeyance. This will inevitably cause unnecessary delays in the investigation of administrative and criminal cases since an appeal from a COA finding may be brought all the way up to the Supreme Court.

“Besides, the matters raised by the respondents on appeal involve only conclusions/interpretation of law. Surely investigative bodies, such as COA, the Ombudsman and even this Committee, are empowered to make their own conclusions of law based on a given set of facts.

“Finally, sufficient evidence has been adduced in this case apart from the factual findings contained in SAO Report 93-11 to enable this Committee to evaluate the merits of the instant complaint.

“We also reject respondent Azaña’s defense that since he did not participate in the deliberation and passage of Resolution No. 09-92, merely signing the same as presiding officer of the Sangguniang Panlalawigan, and only certifying that the same had been passed, he did not incur any administrative liability.

“The fact remains that as presiding officer of the Sangguniang Panlalawigan and being the second highest official of the Province, respondent Azaña is jointly responsible with other provincial officials in the administration of fiscal and financial transactions of the Province. As presiding officer of the Sangguniang Panlalawigan, respondent Azaña has a duty to see to it that resolutions or ordinances passed are within the bounds of the law. He cannot merely preside over the sessions of the Sangguniang

Panlalawigan unmindful of the legality and propriety of resolutions or ordinances being proposed or deliberated upon by his colleagues.

“This collective responsibility is provided under Secs. 304 and 305 of Republic Act No. 7160, thus -

‘SEC. 304. *Scope.* – This Title shall govern the conduct and management of financial affairs, transactions and operations of provinces, cities, municipalities, and barangays.

‘SEC. 305. *Fundamental Principles.* – The financial affairs, transactions, and operations of local government units shall be governed by the following fundamental principles:

x x x

‘(1) Fiscal responsibility shall be shared by all those exercising authority over the financial affairs, transactions, and operations, of local government units; and’

x x x (Underscoring supplied)

“It cannot be denied that the Sangguniang Panlalawigan has control over the Province’s ‘purse’ as it may approve or resolutions or ordinances generating revenue or imposing taxes as well as appropriating and authorizing the disbursement of funds to meet operational requirements or for the prosecution of projects.

“Being entrusted with such responsibility, the provincial governor, vice-governor and the members of the Sangguniang Panlalawigan, must always be guided by the so-called ‘fundamental’ principles enunciated under the Local Government Code, i.e., *‘No money shall be paid out of the local treasury except in pursuance of an appropriations ordinance or law; local revenue is generated only from sources authorized by law or ordinance, and collection thereof shall at all times be acknowledged properly; all monies officially received by a local government officer in any capacity or on any occasion shall be accounted for as local funds, unless otherwise provided by law; and trust funds in the local treasury shall not be paid out except in fulfillment of the purposes for which the trust was created or the funds received’* (Sec. 305, RA. 7160).

“All the respondents could not claim ignorance of the law especially with respect to the provisions of PD No. 464 that lay down the sharing scheme among local government units concerned and the national government, for both the basic real property tax and additional tax pertaining to the Special Education Fund. Nor can they claim that the Province could validly forfeit the P40,724,471.74 paid by NPC considering that the Province is only entitled to a portion thereof and that the balance was merely being held in trust for the other beneficiaries.

“As a public officer, respondent Azaña (and the other respondents as well) has a duty to protect the interests not only of the Province but also of the municipalities of Tiwi and Daraga and even the national government. When the passage of an illegal or unlawful ordinance of the Sangguniang Panlalawigan is imminent, the presiding officer has the duty to act accordingly, by actively opposing the same by temporarily relinquishing his chair and participating in the deliberations. If his colleagues insist on its passage, he should make known his opposition thereto by placing the same on record. No evidence of any sort was shown in this regard by respondent Azaña.

“Clearly, all the respondents have, whether by act or omission, denied the other beneficiaries of their rightful shares in the tax delinquency payments made by NPC and caused the illegal forfeiture,

appropriation and disbursement of funds not belonging to the Province, through the passage and approval of Ordinance No. 09-92 and Resolution Nos. 178-92 and 204-92.

“The foregoing factual setting shows a wanton disregard of law on the part of the respondents tantamount to abuse of authority. Moreover, the illegal disbursements made can qualify as technical malversation.

“This Committee, thus, finds all the respondents guilty of abuse of authority, and accordingly, recommends the imposition of the following penalties of suspension without pay:

- a. Respondent Salalima – five (5) months; and
- b. All the other respondents – four (4) months each.

“II. OP Case No. 5469

“This refers to the administrative complaint filed against Albay Governor Romeo Salalima, Vice-Governor Danilo Azaña, Albay Sangguniang Panlalawigan Members Juan Victoria, Lorenzo Reyeg, Jesus Marcellana, Arturo Osia, Clenio Cabredo, Ramon Fernandez, Jr., Masikap Fontanilla, Vicente Go, Sr., and Nemesin Baclao relative to the retainer contract for legal services entered into between the province of Albay, on the one hand, and Atty. Jesus R. Cornago and the Cortes & Reyna Law Firm, on the other, and the disbursement of public fund in payment thereof. The complaint was docketed as OP Case No. 5469.

“The antecedent facts are as follows:

“Because of the refusal by the National Power Corporation (NPC) to pay real property taxes assessed by the Province of Albay (the Province) covering the period from 11 June 1984 up to 10 March 1987 amounting to P214,845,184.76, the Province sold at public auction the properties of NPC consisting of geothermal power plants, buildings, machinery and other improvements located at Tiwi and Daraga, Albay. The Province was the sole and winning bidder at the auction sale.

“As NPC failed to redeem its properties sold at the auction, the Province petitioned the Regional Trial Court in Tabaco, Albay to issue a writ of possession over the same.

“Sometime in 1989, NPC file a petition with the Supreme Court, which was docketed as G.R. No. 87479, questioning the validity of the auction sale conducted by the Province. NPC claims, *inter alia*, that its properties are not subject to real property tax.

“On 17 May 1989, the Province, through Atty. Romulo Ricafort, the legal officer of the Province, filed its comment on the NPC petition with the Supreme Court.

“On 2 June 1989, the Albay Sangguniang Panlalawigan adopted Resolution No. 129-89 (Exhs. B to B-1) authorizing respondent Governor to engage the services of a Manila-based law firm to handle the case against NPC.

“On 25 August 1989, Atty. Jesus R. Cornago entered his appearance with the Supreme Court as collaborating counsel for the Province in G.R. No. 87479. The entry of appearance of Atty. Cornago bore the conformity of respondent Governor.

“On 14 November 1989, Atty. Antonio Jose F. Cortes of the Cortes & Reyna Law Firm sent respondent Governor a letter (Exhs. D to D-1) informing him that Atty. Jesus R. Cornago, as

collaborating counsel for the Province, has filed a memorandum with the Supreme Court, suggesting that a retainer agreement be signed between the Province, on the one hand, and Atty. Cornago and Cortes & Reyna Law Firm, on the other hand, and setting forth the conditions of the retainer agreement, thus:

‘As collaborating counsels for the respondents in the aforementioned case, our law firm and that of Atty. Jesus R. Cornago request that you pay us an Acceptance Fee of FIFTY THOUSAND (P50,000.00) PESOS, while the aforementioned case is pending in the Supreme Court. Thereafter, we will charge you a contingent fee equivalent to eighteen percent (18%) of the value of the property subject matter of the case which is P214 Million, payable to us in the event that we obtain a favorable judgment for you from the Supreme Court in the case. Xerox expenses for copies of motions, memorandum and other matters to be filed with the Supreme Court in the case, together with xerox copies of documentary evidence, as well as mailing expenses, will be for your account also.’

“On 8 January 1990, the Albay Sangguniang Panlalawigan passed Resolution No. 01-90 (Exhs. C to C-1) authorizing respondent Governor to sign and confirm the retainer contract with the Cortes & Reyna Law Firm.

“Respondent Salalima signed the retainer agreement.

“On 4 June 1990, the Supreme Court issued a decision dismissing the NPC petition and upholding the validity of the auction sale conducted by the Province to answer for NPC’s tax liabilities.

“Subsequently, the following payments amounting to P7,380,410.31 (Exhs. E to N-1) were made by the Province to Atty. Antonio Jose Cortes and Atty. Jesus R. Cornago:

<u>Particulars</u>	<u>Claimant/Payee</u>	<u>Amount</u>
Disbursement Vouchers (DV) No. 4, Jan. 5, 1990 Check No. 931019	Cortes & Reyes	P50,508.75
DV No. 1889 Aug. 13, 1992 Check No. 236063-S	Atty. Antonio Jose Cortes	1,421,040.00
DV No. 1890 Aug. 13, 1992 Check No. 236064-S	Atty. Jesus R. Cornago	1,776,300.00
DV No. 2151 Sept. 28, 1992 Check No. 238174-S	Atty. Antonio Jose Cortes	838,851.44
DV No. 2226 Oct. 8, 1992 Check No. 229528-S	Atty. Antonio Jose Cortes	886,662.40

DV No. 2227 Oct. 8, 1992 Check No. 239529-S	Atty. Jesus R. Cornago	341,024.00
DV No. 2474 Nov. 6, 1992 Check No. 250933	Atty. Jesus R. Cornago	287,018.40
DV No. 2475 Dec. 9, 1992 Check No. 253163	Atty. Antonio Jose Cortes	746,247.83
DV No. 2751 Dec. 9, 1992 Check No. 253163	Atty. Antonio Jose Cortes	747,247.84
DV No. 2752 Dec. 9, 1992 Check No. 253164	Atty. Jesus R. Cornago	287,018.40
	Total	P7,380,410.31

“Disbursement Voucher Nos. 2474 and 2475 were approved by respondent Azaña. The rest were approved by respondent Governor.

“In a letter dated 21 May 1993 (Exh. O) and certificate of settlement and balances dated 17 May 1993 (Exh. P), the Provincial Auditor of Albay informed respondent Governor that payments made by the Province as attorney’s fees amounting to P7,380,410.31 have been disallowed by the Commission on Audit (COA), with the following notation:

‘The disbursement vouchers detailed hereunder represent payments for attorney’s fees of Cortes & Reyna Law Office for legal services rendered re: G.R. No. 87479 ‘NAPOCOR, Petitioner vs. Province of Albay et. al., Respondent, Supreme Court, en banc. Total payments of P7,380,410.31 are disallowed for lack of the requisite ‘prior written conformity and acquiescence of the Solicitor General x x x as well as the written concurrence of the Commission on Audit’ as provided for and required under COA Circular No. 86-255 dated April 2, 1986, re: ‘Inhibition against employment by government’ agencies and instrumentalities x x x of private lawyers to handle their legal cases’, viz.’

“The complaint alleges that by entering into the retainer agreement with private lawyers and paying P7,380,410.31 to the said private lawyers, respondents violated several provisions of law which warrants the imposition of administrative penalties against them. It is to be noted that respondents Victoria, Reyeg, Cabredo, Marcellana and Osia were not yet members of the Sangguniang Panlalawigan when Resolution No. 129 was passed. However, the complaint alleges that these respondents were named in the complaint because they approved the supplemental budget/appropriation ordinances providing for the payment of attorney’s fees.

“The sole issue in this case is whether or not respondents incurred administrative liability in entering into the retainer agreement with Atty. Cornago and the Cortes & Reyna Law Firm and

in making payments pursuant to said agreement for purposes of the case filed by NPC with the Supreme Court against Province.

“We find merit in the complaint and hold that under the circumstances surrounding the transaction in question, the respondents abused their authority.

“Sec. 481 of the Local Government Code (R.A. No. 7160) requires the appointment of a legal officer for the province whose functions include the following:

‘Represent the local government unit in all civil actions and special proceedings wherein the local government unit or any official thereof, in his official capacity, is a party; *Provided*, That, in actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party.’

“The Supreme Court has ruled in *Municipality of Bocaue, et al. v. Manotok*, 93 Phil. 173 (1953), that local governments units cannot be represented by private lawyers and it is solely the Provincial Fiscal who can rightfully represent them, thus:

‘Under the law, the Provincial Fiscal of Bulacan and his assistants are charged with the duty to represent the province and any municipality thereof in all civil actions * * *

It would seem clear that the Provincial Fiscal is the only counsel who can rightfully represent the plaintiffs and therefore, Attys. Alvir and Macapagal [the private lawyers hired by the Province of Bulacan] have no standing in the case. The appeal herein interposed in behalf of the plaintiffs cannot therefore be maintained.’

“This ruling applies squarely to the case at hand because Sec. 481 of the Local Government Code is based on Sec. 1681 of the Revised Administrative Code which was the subject of interpretation in the abovesited case of *Municipality of Bocaue, et al. v. Manotok*.

“In hiring private lawyers to represent the Province of Albay, respondents exceeded their authority and violated the abovequoted section of the Local Government Code and the doctrine laid down the Supreme Court.

“Moreover, the entire transaction was attended by irregularities. First, the disbursement to the lawyers amounting to P7,380,410.31 were disallowed by the Provincial Auditor on the ground that these were made without the prior written conformity of the Solicitor General and the written concurrence of the Commission on Audit (COA) as required by COA Circular No. 86-255 dated 2 April 1986.

“The respondents attempted to dispute this finding by presenting the Solicitor General’s conformity dated 15 July 1993. This conformity was, however, obtained after the disbursements were already made in 1990 and 1992. What is required by COA Circular No. 86-255 is a *prior* written conformity and acquiescence of the Solicitor General.

“Another irregularity in the transaction, concerns the lawyers. Resolution No. 01-90 authorized the respondent Governor to sign and confirm a retainer contract for legal services with the Cortes & Reyna Law Firm at 202 E. Rodriguez Sr. Blvd., Quezon City. The retainer contract signed by respondent Governor was, however, not only with the Cortes & Reyna Law Firm but also with Atty. Jesus R. Cornago of Jamecca Building, 280 Tomas Morato Avenue, Quezon City. That Atty. Jesus R. Cornago and the Cortes & Reyna Law Firm are two separate entities is evident from the retainer contract itself:

‘As collaborating counsels for the respondents in the aforementioned case, our law firm and that of Atty. Jesus R. Cornago request that you pay us an Acceptance Fee of FIFTY THOUSAND (P50,000.00) PESOS, while the aforementioned case is pending in the Supreme Court. Thereafter, we will charge you a contingent fee equivalent to eighteen percent (18%) of the value of the property subject matter of the case which is P214 Million, payable to us in the event we obtain a favorable judgment for you from the Supreme Court in the case. Xerox expenses for copies of motions, memorandum and other matters to be filed with the Supreme Court in the case, together with xerox copies of documentary evidence, as well as mailing expenses, will be for your account also.

* * *

Very truly yours,
CORTES & REYNA
LAW FIRM

– and –

Atty. JESUS R. CORNAGO
Jamecca Building
280 Tomas Morato Avenue

By:
(Sgd.) **ANTONIO JOSE F. CORTES**

WITH MY CONFORMITY:
(Sgd.) **GOV. ROMEO R. SALALIMA**
Province of Albay’
(Underscoring supplied.)

“In entering into a retainer agreement not only with the Cortes & Reyna Law Firm but also with Atty. Jesus R. Cornago, respondent Governor exceeded his authority under Resolution No. 01-90.

“Complicating further the web of deception surrounding the transaction is the fact that it was only Atty. Cornago who appeared as collaborating counsel of record of the Province in the Supreme Court case (G.R. No. 87479). We quote the entry of appearance of Atty. Cornago in full in said case:

‘A P P E A R A N C E

COMES NOW, the undersigned counsel, and to this Honorable Supreme Court, respectfully enters his appearance as counsel for the respondents in the above-entitled case, in collaboration with Atty. Romulo L. Ricafort, counsel of record for the respondents. This appearance bears the conformity of the respondent Gov. Romeo R. Salalima, as shown by his signature appearing at the space indicated below. In this connection, it is respectfully requested that, henceforth, the undersigned counsel be furnished with a copy of all notices, orders, resolutions and other matters that may be issued in this case at its office address indicated below.

Quezon City, for Manila, August 24, 1989.

(Sgd.) JESUS R. CORNAGO

Counsel for Respondents

280 Tomas Morato Avenue

Quezon City

PTR No. 561005-'89 Mandaluyong

IBP No. 279351-'89 Pasig, MM

With My Conformity:

(Sgd.) ROMEO R. SALALIMA

Respondent

Office of the Governor of Albay

Legazpi City'

"Even the Solicitor General, in his letter to respondent Governor dated 15 July 1993, noted that the Province is represented in the Supreme Court by Attys. Ricafort, Cornago and Glenn Manahan but not by the Cortes & Reyna Law Firm, thus:

'Incidentally, a check with our office records of the case G.R. No. 87479 reveals that the Province of Albay and its officials named respondents therein were represented in the Supreme Court by Atty. Romulo Ricafort, the Province's Legal Officer II, and Attys. Jesus R. Cornago and Glen Manahan of JAMECCA Building, 280 Tomas Morato Avenue, Quezon City; no appearance was entered therein by the Cortes & Reyna Law Firm.' (Underscoring supplied.)

"Furthermore, the memorandum with the Supreme Court filed for the Province was signed by Atty. Cornago and not by the Cortes & Reyna Law Firm. Consequently, the Cortes & Reyna Law Firm was not counsel of record of the Province in G.R. No. 87479. And yet, six of the ten checks paid by the Province and amounting to more than P3.6 million were issued in favor of the Cortes & Reyna Law Firm through Atty. Antonio Jose Cortes. In other words, respondents disbursed money to the Cortes & Reyna Law Firm although the latter did not appear as counsel for the Province in the Supreme Court in G.R. No. 87479.

"Finally, the attorney's fees agreed upon by respondent Salalima and confirmed by the other respondents are not only unreasonable but also unconscionable. The contingent fee of 18% of the 'P214 million' claim of the Province against NPC amounts to P38.5 million. The word 'unconscionable', as applied to attorney's fee, 'means nothing more than that the fee contracted for, standing alone and unexplained would be sufficient to show that an unfair advantage had been taken of the client, or that a legal fraud had been taken of the client, or that a legal fraud had been perpetrated on him.' (Moran, *Comments on the Rules of Court*, Vol. 6, p. 236.)

"The Province has a legal officer, Atty. Ricafort, who had already filed a comment on NPC's petition against the Province. The comment filed by Atty. Ricafort already covers the basic issues raised in the petition. When Atty. Cornago filed an appearance and subsequently a memorandum for the Province, the petition was already been given due course by the Supreme Court and the only pleading to be filed by the parties before the Court would issue its decision was a memorandum. Surely, one memorandum could not be worth P38.5 million.

"Furthermore, the professional character and social standing of Atty. Cornago are not such as would merit a P38.5 million fee for the legal services rendered for the Province. During the hearing, respondent Governor admitted that he had hired Atty. Cornago because they were schoolmates at San Beda College, thus:

‘SECRETARY CORONA:

May I ask a question Governor, what was your basis for choosing this particular law office? Why not ACCRA, why not Sycip Salazar, why not Carpio Villaraza, why this particular law office? Frankly, I never heard of this law office. Who recommended it?

GOVERNOR SALALIMA:

Atty. Cornago was then a graduate of San Beda and I am a graduate of San Beda.

SECRETARY CORONA:

Were you classmates?

GOVERNOR SALALIMA:

No.

SECRETARY CORONA:

How many years apart were you?

GOVERNOR SALALIMA:

Two (2) years.

SECRETARY CORONA:

So, you knew each other from the law school?

GOVERNOR SALALIMA:

Yes.

SECRETARY CORONA:

Were you members of the same fraternity in San Beda?

GOVERNOR SALALIMA:

Yes.’

(TSN, 12 July 1992, pp. 27-29.)

“It is evident that respondent Governor hired Atty. Cornago not on the basis of his competency and standing in the legal community but purely for personal reasons. Likewise, the standing of the Cortes and Reyna Law Firm is not such as would merit P38.5 million for one memorandum, which, in this case, it had not even filed because it was not the counsel of record. Hence, considering the labor and time involved, the skill and experience called for in the performance of the services and the professional character and social standing of the lawyers, the attorney’s fee of P38.5 million is unconscionable. By allowing such scandalously exorbitant attorney’s fees which is patently disadvantageous to the government, respondents betrayed a personal bias to the lawyers involved and committed abuse of authority.

“Parenthetically, the retainer contract containing such exorbitant attorney’s fees may also be violative of the following: (a) COA Circular No. 85-55-A (8 September 1985) prohibiting irregular,

unnecessary, excessive or extravagant expenditures or uses of funds; and (b) Sec. 3 (e) and (g) of R.A. No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.

“Finally, the Committee again applies in this case, as was applied in OP Case No. 5470, the rule of joint responsibility as enunciated under Sec. 305 (1) of the Local Government Code.

“In view of the foregoing, the Committee holds that respondents committed abuse of authority under Sec. 60(e) of the Local Government Code for the following:

1. Hiring private lawyers, in violation of Sec. 481 of the Local Government Code, to handle the case of the Province of Albay before the Supreme Court in G.R. No. 87479;
2. Disbursing public money in violation of COA rules and regulations;
3. Paying the Cortes & Reyna Law Firm public money although it was only Atty. Cornago who was the counsel of record of the Province of Albay in the Supreme Court case;
4. Authorizing an unconscionable and grossly disadvantageous attorney’s fees of P38.5 million; and
5. Additionally, as to respondent Governor, entering into a retainer agreement not only with the Cortes & Reyna Law Firm but also with Atty. Cornago, thus exceeding his authority under Resolution No. 01-90 passed by the Sangguniang Panlalawigan.

“After taking all the attendant circumstances into consideration, the Committee recommends that the following penalties of suspensions without pay be meted out:

- a. Respondents Salalima & Azaña – six (6) months each; and
- b. All the other respondents – four (4) months each.

“III. OP Case No. 5471

“This refers to the administrative complaint filed by Tiwi Mayor Naomi Corral against Albay Governor Romeo Salalima, Albay Sangguniang Panlalawigan Members Juan Victoria, Lorenzo Reyeg, Arturo Osia, Jesus Marcellana, Nemesio Baclao, Ramon Fernandez, Jr., Masikap Fontanilla, Vicente Go, Sr., Wilbor Rontas and Clenio Cabredo, and Tiwi Vice-Mayor Rodolfo Benibe for ‘abuse of authority and oppression’ under Sec. 60 (c) and (e) of RA No. 7160.

“The antecedent facts are as follows:

“On 20 October 1992. Mayor Corral and seven (7) Kagawads of the Tiwi Sangguniang Bayan charged herein respondent Governor Salalima and Vice-Governor Azaña for abuse of authority, misconduct in office and oppression. This administrative complaint, initially docketed as OP Case No. 4982 (DILG Adm. Case No. P-8-93), arose from the refusal of said respondents to remit Tiwi’s share in the P40,724,471.74 tax delinquency payments made by NPC. This case was subsequently substituted by OP Case No. 5470 filed on 25 January 1993 which now included as respondents Albay Sangguniang Panlalawigan Members Victoria, Reyeg, Osia, Cabredo, Go, Marcellana, Fernandez, Fontanilla, and Rontas.

“Subsequently, Mayor Corral became the subject of several administrative and criminal complaints filed by certain individuals with the following offices:

- a. *Achilles Berces v. Mayor Naomi Corral*
 - (1) Albay Sangguniang Panlalawigan, Adm. Case No. 02-92
 - (2) Albay Sangguniang Panlalawigan, Adm. Case No. 05-92

- (3) Office of the Ombudsman, OMB Adm. Case No. 1930163
- (4) Office of the Ombudsman, OMB Case No. 0930682
- (5) Office of the Ombudsman, OMB-092-3008
- b. *Muriel Cortezano v. Mayor Naomi Corral*
 - (6) Albay Sangguniang Panlalawigan, Adm. Case No. 10-93
 - (7) Office of the Ombudsman, OMB-0-92-3000
- c. *Amelia Catorce v. Mayor Naomi Corral*
 - (8) Albay Sangguniang Panlalawigan, Adm. Case No. 09-93
- d. *Aida Marfil v. Mayor Naomi Corral*
 - (9) Albay Sangguniang Panlalawigan Adm. Case No. 07-93
 - (10) Office of the Ombudsman, OMB. Case No. 5-93-0110
- e. *Rodolfo Belbis v. Mayor Naomi Corral*
 - (11) Albay Sangguniang Panlalawigan, Adm. Case No. 06-93
 - (12) Office of the Ombudsman, OMB Case No. 0-93-0098
- f. *Kin. Juan Victoria et al. v. Mayor Naomi Corral*
 - (13) Office of the Prosecutor, I.S. No. 93-046 (for Libel), Legaspi City
- g. *Governor Romeo Salalima, et. al. v. Mayor Naomi Corral*
 - (14) Office of the Prosecutor, I.S. No. 93-044 (for Libel and Perjury), Legaspi City
 - (15) Office of the Prosecutor, I.S. No. 93-045 (for Libel and Perjury), Legaspi City

or a total of fifteen (15) cases.

“On 7 January 1993, the respondent-members of the Sangguniang Panlalawigan passed Omnibus Resolution No. 2 recommending that Mayor Corral be placed under preventive suspension for sixty (60) days pending the resolution of Adm. Case No. 05-92 (Exh. 18).

“On 11 January 1993, respondent Salalima approved said resolution and, on the same date, officially directed herein respondent Tiwi Vice-Mayor Benibe to assume the office and discharge the functions of Tiwi Mayor (Exh. 18).

“On 21 January 1993, Department of the Interior and Local Government (DILG) Secretary Rafael Alunan III directed the lifting of the 11 January 1993 suspension order issued by respondent Salalima. In his letter to Mayor Corral (Exh. C), he stated, thus:

‘Considering that the preventive suspension imposed upon you by Governor Romeo R. Salalima of that province, was issued after the latter’s refusal to accept your answer, therefore, the issuance of subject order of preventive suspension is premature, the issues having not been joined.

In view thereof, the Order of Preventive Suspension dated 11 January 1993, issued by Governor Salalima, is hereby lifted.

“On 26 January 1993, Office of the President (OP), acting in OP Case No. 4982, after finding that ‘*the evidence of guilt is strong, and given the gravity of the offense and the great probability that the continuance in office of respondent Governor Romeo Salalima could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence,*’ placed respondent Salalima under preventive suspension for sixty (60) days (Exhs. D to D-2).

“Respondent Salalima subsequently, sought the reversal of the OP Order dated (26 January 1993 but the same was dismissed by the Supreme Court on 25 May 1993 in the case entitled ‘*Salalima v. the Hon. Executive Secretary*’, G.R. No. 108585 (Exh. E).

“On 2 February 1993, Mayor Corral filed a motion to inhibit the respondents from hearing the six cases filed against her with the Sangguniang Panlalawigan (Adm. Case Nos. 02-92, 05-92, 06-93, 07-93, 09-93 and 10-93) asserting her constitutional right to due process of law. This motion was however denied with the respondent-members of the Sangguniang Panlalawigan assuming jurisdiction over the cases.

“After conducting marathon hearings, respondent-members of the Sangguniang Panlalawigan rendered judgments against Mayor Corral and imposing, among others, at the following penalties of suspension:

1. In Adm. Case No. 02-92 – suspension for two (2) months (see Decision dated 1 July 1993, [Exhs. F to F-2]);
2. In Adm. Case No. 05-92 – suspension for three (3) months (see Resolution dated 5 July 1993, [Exhs. G to G-2]);
3. In Adm. Case No. 06-93 and 07-93 – suspension for one (1) month (see Resolution dated 3 July 1993, [Exhs. H to H-3]); and
4. In Adm. Case No. 10-93 – suspension for the period of unexpired (see Resolution dated 9 July 1993, [Exhs. I to I-21]).

“On 22 July 1993, respondent Salalima issued a directive addressed to the Provincial Treasurer, Provincial Auditor, PNP Provincial Director, Provincial Assessor, Provincial Accountant, Provincial Budget Officer Provincial DILG Officer, the Sangguniang Panlalawigan and Provincial Prosecutor enjoining them to assist in the implementation of the decisions suspending Mayor Corral ‘by decreeing directives to your subordinate officials in Tiwi, Albay to strictly adhere thereto.’

“Subsequently, Mayor Corral interposed appeals from the decisions of respondent-members of the Sangguniang Panlalawigan suspending her from office to the OP (docketed as OP Case Nos. 5337 and 5345) with a prayer that the implementation of said decisions be stayed.

“On 28 July 1993, the OP ordered the suspension/stay of execution of the decisions in Adm. Case Nos. 02-92 and 05-92 (Exhs. J to J-2).

“Similarly, on 3 August 1993, the OP ordered the suspension/stay of execution of the decisions in Adm. Case Nos. 06-93, 07-93 and 10-93 (Exhs. K to K-1).

“Also, with respect to Adm. Case Nos. 6-93 and 7-93, the Civil Service Commission (CSC) issued Resolution Nos. 93-005 (dated 5 January 1993) and 93-817 (dated 4 March 1993), which provided the bases and justifications for the acts of Mayor Corral complained of in these two (2) cases. The Supreme Court subsequently affirmed said CSC resolutions (Exhs. L to L-2).

“In the multiple charges for libel and perjury against Mayor Corral, arising from her complaint in OP Case No. 5470, filed with the Regional Trial Court of Legaspi City, the Supreme Court ordered the lower court to cease and desist from proceeding with the case in a resolution dated 16 September 1993 (Exhs. Q to Q-2).

“In determining whether respondents are guilty of the charges levelled against them, the following issue has to be resolved, i.e., whether the conduct of the proceedings in the administrative cases filed and the series of suspension orders imposed by the respondent-members of the Sangguniang Panlalawigan on Mayor Corral constitute oppression and abuse of authority?

“‘Oppression’ has been defined as an ‘act of cruelty, severity, unlawful exaction, domination or excessive use of authority,’ (Ochate v. Ty Deling, L-13298, March 30, 1959, 105 Phil. 384, 390).

“‘Abuse’ means ‘to make excessive or improper use of a thing, or to employ it in a manner contrary to the natural or legal rules for its use. To make an extravagant or excessive use, as to

abuse one's authority' (Blacks Law Dictionary <5th Ed.>, 11). It includes 'misuse' (City of Baltimore v. Cornellville & S.P. Ry, Co., 6 Phils. 190, 191, 3 Pitt 20, 23).

"Moreover, Section 63(d) of RA No. 7160 expressly states that, '[a]ny abuse of the exercise of the powers of preventive suspension shall be penalized as abuse of authority.'

"Now, does the above narration of facts show commission by respondents of the administrative offenses complained of?

"A review of the proceedings reveal that the same were marked by haste and arbitrariness. This was evident from the start (when Mayor Corral was preventively suspended (in Adm. Case No. 05-92) even before she could file her answer. In the other cases, respondent-members of Sangguniang Panlalawigan ruled that Mayor Corral had waived her right to adduce evidence in her defense.

"Consequently, respondents did not also fully evaluate the evidences presented to support the charges made. As such, all the decisions of respondents suspending Mayor Corral were ordered lifted/suspended by the DILG and OP. Thus, even the cases filed with the Office of the Ombudsman, which were based on the same incidents complained of in the said administrative cases, were subsequently dismissed.

"Respondents should have inhibited themselves from assuming jurisdiction over said cases (Adm. Case Nos. 02-92, 05-92, 06-93, 07-93, 09-93, and 10-93) as timely moved by Mayor Corral considering that they were the respondents in various administrative complaints she earlier filed with the OP and with the DILG starting with OP Case No. 4892. However, despite the violation of due process resulting from their collective acts, respondents, in their determination and eagerness to suspend and harass Mayor Corral, proceeded to hear and decide said cases.

"The OP has no jurisdiction over administrative complaints filed against elective municipal officials. Under Sec. 61 (b) of RA No. 7160, '[a] complaint against any elective official of a municipality shall be filed before the Sangguniang Panlalawigan whose decision may be appealed to the Office of the President.'

"WHEREFORE, the charges against Vice Mayor Benibe are dismissed. However, all the other respondents herein are found guilty of oppression and abuse of authority under Section 60 (c) and (e) of RA No. 7160. Accordingly, it is recommended that each of them be meted the penalty of four (4) months suspension without pay.

"IV. OP Case No. 5450

"This refers to the administrative charges filed by Tabaco Mayor Antonio Demetriou against Governor Romeo Salalima for violation of – Section 60, pars. (c) and (d) of the Local Government Code, Section 3, par. (g) of Republic Act No. 3019, and the provisions of PD No. 1594, as amended.

"This case was filed with the Office of the President (OP) on 18 October 1993 and docketed as OP Case No. 5450.

"The facts as found by this Committee are as follows:

"On 27 September 1989 the Tabaco Public Market was destroyed by fire (Exh. A, par. 1).

"On 26 September 1990, the OP advised Mayor Demetriou and respondent Salalima that the P12.0 Million in Budgetary Assistance to Local Government Units (BALGU) funds earlier remitted by the national government to the Province, should be used for the rehabilitation of the Tabaco Public Market, and that the project should be implemented by the Provincial Governor in (consultation with the Mayor of Tabaco (Exh. 37).

"On 8 May 1991, a public bidding was conducted by the Albay Provincial Government for the repair and rehabilitation of the Tabaco Public Market (Exh. A, par. 1).

“On 29 May 1991, the Province represented by respondent Salalima and RYU Construction entered into a contract for P6,783,737.59 for said repair and rehabilitation (Exh. HI). Among others, the contract stipulated that the contracted work should be completed in 150 days.

“The contractor started the project on 1 July 1991 and completed the same on 2 June 1992. (Exh. 41).

“On 6 March 1992, the Province represented by respondent Salalima entered into another contract (Exh. I) for P4,304,474.00 with RYU Construction for additional repair and rehabilitation work for the Tabaco Public Market. The terms and conditions of this contract are the same as those stipulated in the 29 May 1991 contract except for the construction period which is only for 90 days.

“Construction of the second project commenced on 27 March 1992 and was completed on 2 June 1992 (Exh. 42).

“In his complaint, Mayor Demetriou alleged that despite the delay in the completion of work under the first contract, liquidated damages were not imposed on, nor collected from, RYU Construction by the Province. Moreover, he claims that the second contract with RYU Construction was entered into in violation of PD No. 1594 as RYU incurred delay with respect to the first contract.

“We find merit in the complaint.

“Pars. 1 and 2 of item CI 8, par. 1 of item CI 11, and par. 10.4.2 of item IB of the Implementing Rules and Regulations (IRR) of PD No. 1594, as amended, read:

‘CI 8 – LIQUIDATED DAMAGES

‘1. Where the contractor refuses or fails to satisfactorily complete the work within the specified contract time, plus any time extension duly granted and is hereby in default under the contract, the contractor shall pay the Government for liquidated damages, and not by way of penalty, an amount to be determined in accordance with the following formula for each calendar day of delay until the work is completed and accepted or taken over by the Government:

x x x

‘2. To be entitled to such liquidated damages, the Government does not have to prove that it has incurred actual damages. Such amount shall be deducted from any money due or which may become due the contractor under the contract and/or collect such liquidated damages from the retention money or other securities posted by the contractor whichever is convenient to the Government.’

‘CI 11– Extension of Contract Time

‘1. Should the amount of additional work of any kind or other special circumstances of any kind whatsoever occur such as to fairly entitle the contractor to an extension of contract time, the Government shall determine the amount of such extension; provided that the Government is not bound to take into account any claim for an extension of time unless the contractor has prior to the expiration of the contract time and within thirty (30) calendar days after such work has been commenced or after the circumstances leading to such claim have arisen, delivered to the Government notices in order that it could have investigated them at that time. Failure to provide such notice shall constitute a waiver by the contractor of any claim. Upon receipt of full and detailed particulars, the Government shall examine the facts

and extent of the delay and shall extend the contract time for completing the contract work when, in the Government's opinion, the finding of facts justify an extension.

x x x

'IB 10 4.2 – By Negotiated Contract

'1. Negotiated contract may be entered into only where any of the following conditions exists and the implementing office/agency/corporation is not capable of undertaking the project administration :

x x x

'c. Where the subject project is adjacent or contiguous to an ongoing project and it could be economically prosecuted by the same contractor, in which case, direct negotiation may be undertaken with the said contractor at the same unit prices adjusted to price levels prevailing at the time of negotiation using the parametric formulae herein prescribed without the 5% deduction and contract conditions, less mobilization cost, provided that he has no negative slippage and has demonstrated a satisfactory performance.' (Underscoring supplied)

x x x

"A reading of items CI 8 and CI 11 above shows that the collection of liquidated damages is mandatory in cases of delay unless there are valid orders of extension of contract work given by the Government.

"Under the 29 May 1991 contract, the repair works should have been completed on 26 December 1991, since the project was started on 1 July. But then the project was finished on 2 June 1992.

"This is confirmed by the COA through SAO Report No. 93-11 (Exh. N), thus -

x x x

x x x "The project was completed only on June 2, 1992 or a delay of 132 working days, as shown in the following tabulation:

<u>Billing</u>	<u>As of</u>	<u>Days Lapsed</u>	<u>% Accomplishments</u>
First	Dec. 2, 1991	130	26.48
Second	Jan. 8, 1992	187	53.19
Third	Feb. 10, 1992	100	75.23
Final	June 2, 1992	202	100.00

'In view of the delays in project completion the Team requested from the Provincial Engineer any copy of the order suspending and resuming the work (suspension and resume order) since the same was not attached to the claims of the contractor or paid vouchers. Unfortunately, the Provincial Engineer could not provide said document as the Engineering Office had not issued any. In effect, there was no basis for the extension of contract time

and the contractor should have been considered as behind schedule in the performance of the contract. Despite its deficiency, no liquidated damages was over imposed against the contractor.’ (pp. 25-26) (Underscoring supplied)

“Respondent Salalima failed to submit any evidence concerning any order issued by the Provincial Government extending RYU Construction’s contract.

“The law requires that requests for contract extension as well as the orders granting the same must be made and given prior to the expiration of the contract. The rational for this requirement is obviously to prevent a contractor from justifying any ‘delay’ after the contract expires.

“Before signing the 6 March 1992 contract, which was entered into on a negotiated basis and not through bidding, respondent Salalima should have inquired whether or not RYU Construction incurred negative slippage. Had he done so, the matter of imposing and collecting liquidated damages would have been given appropriate attention. This is aggravated by the fact that respondent knew lint RYU Construction was the contractor for the original rehabilitation and repair work for the Tabaco Public market being the signatory to the first contract.

“Clearly, therefore, there was a failure on the part of the Province to impose and collect liquidated damages from the erring contractor, RYU Construction.

“Going to the second charge, we find that respondent Salalima unmistakably violated the provisions of PD No. 1594, as amended.

“Fundamental is the rule that government contracts especially infrastructure contracts are awarded only through bidding. As explicitly ordained by Sec. 4 of PD No. 1594, construction projects shall generally be undertaken by contract after ‘competitive bidding’. By its very nature and characteristic, a competitive public bidding aims to protect the public interest by giving the public the best possible advantages through open competition. At the same time, bidding seeks to prevent or curtail favoritism, fraud and corruption in the award of the contract which otherwise might prevail were the government official concerned is vested with the full or absolute authority to select the prospective contractor (Fernandez, *Treatise on Government Contracts Under Philippine Law*, 1991 Ed. citing *Caltex Phil., Inc. v. Delgado Bros.*, 96 Phil. 368; *San Diego v. Municipality of Naujan*, 107 Phil. 118; and *Matute v. Hernandez*, 66 Phil. 68).

“This is precisely the reason why negotiated contracts can be resorted to only in a few instances such as that provided under par. 1 (c) of item IB 10.4.2 of the IRR of PD No. 1594, *supra*. However, said proviso requires that the contractor had not incurred negative slippage and has demonstrated a satisfactory performance.

“And since RYU Construction incurred negative slippage with respect to the repair works under the 29 May 1991 contract as found by COA, it was anomalous for the Province through respondent Salalima to enter into a negotiated contract with said contractor for additional repair and rehabilitation work for the Tabaco Public market. Failing to comply with the requirements of law, the 6 March 1992 contract is clearly irregular, if not illegal.

“Finally, said contract may also be violative of the following: (a) COA Circular No. 85-55-A (dated 8 September 1985) prohibiting irregular expenditures or uses of funds; and (b) Sec. 3 (e) and (g) of RA No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act.

“Premises considered, this Committee finds the respondent guilty of abuse of authority and gross negligence. Accordingly, it is recommended that the penalty of suspension without pay be meted out on respondent Salalima for five (5) months.” (pp. 2-35)

After a careful review of the cases, I agree with and adopt the findings and recommendations of the Ad-Hoc Committee, supported as they are by the evidence on record.

WHEREFORE, the following penalties are meted out on each of the respondents, to wit:

In OP Case No. 5470 –

- a. Governor Romeo Salalima - suspension without pay for five (5) months;
- b. Vice-Governor Danilo Azaña, Albay Sangguniang Panlalawigan Members Juan Victoria, Lorenzo Reyeg, Arturo Osia, Clenio Cabredo, Vicente Go, Sr., Jesus Marcellana, Ramon Fernandez, Jr., Masikap Fontanilla and Wilbor Rontas - suspension without pay for four (4) months.

In OP Case No. 5469 –

- a. Governor Romeo Salalima and Vice-Governor Danilo Azaña – suspension without pay for six (6) months; and
- b. Albay Sangguniang Members Juan Victoria, Lorenzo Reyeg, Jesus Marcellana, Arturo Osia, Clenio Cabredo, Ramon Fernandes, Jr., Masikap Fontanilla, Vicente Go, Sr., and Nemesio Baclao; – suspension without pay for four (4) months;

In OP Case No. 5471 –

- a. Governor Romeo Salalima and Albay Sangguniang Members Juan Victoria, Lorenzo Reyeg, Jesus Marcellana, Arturo Osia, Wilbor Rontas, Clenio Cabredo, Ramon Fernandes, Jr., Masikap Fontilla, Vicente Go., Sr., and Nemesio Baclao - suspension without pay for four (4) months;

In OP No. 5450 –

- a. Governor Romeo Salalima - suspension without pay for five (5) months.

The suspension imposed on respondents shall be served successively but shall not exceed their respective unexpired terms, in accordance with the limitation imposed under Section 66 (b) of the Local Government Code.

Let copies of this Order be served upon all the respondents.

DONE in the City of Manila, this 7th day of October, in the year of Our Lord Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 154
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE
OF ALL THE BENEFITS UNDER THE LAW, ON 1ST ASSISTANT CITY
PROSECUTOR LUCAS M. CASTAÑOS OF ORMOC CITY

This refers to the administrative complaint against 1st Assistant City Prosecutor Lucas Castaños of the Office of the City Prosecutor of Ormoc, for grave misconduct and disgraceful and immoral conduct.

The record shows that Prosecutor Castaños was then the public prosecutor assigned in the sala of Judge Escaño. Sometime in June, 1992, Judge Escaño was visited in his house by a certain Mr. Nevardo Flores, who was charged with murder and illegal possession of firearms before his court, to verify whether or not his (Flores) cases would be dismissed if he would give ₱80,000.00 to respondent prosecutor. Alarmed that his name was apparently being used by Prosecutor Castaños in extorting money from parties-litigants, Judge Escaño conducted his own discreet investigation and discovered that Prosecutor Castaños made similar demands from several accused who had pending cases in his sala, to wit: 1) from Mr. Victor Espina, who was accused of attempted murder and illegal possession of firearm; 2) from Mrs. Gloria Alba, wife of Rolando Alba, who was accused of and later convicted for possession of prohibited drugs; 3) from one Peregrino, who was accused of and later convicted for illegal possession of firearms; 4) from one Sacay, who was accused of and later convicted for homicide; 5) from Jerry Lorenzo, who was accused of and later acquitted for murder and illegal possession of firearm; 6) from one Palmitos, who was accused of estafa; 7) from Raul Chu, who was accused of attempted murder; and 8) from Francisco Agapito who was accused of and later acquitted for violation of Sec. 68 of PD 705.

On July 27, 1992 Judge Escaño received a poison-letter attributing to him corrupt activities in connection with cases being tried by him but which letter he suspected to have been authored by respondent prosecutor. The said letter was examined by the NBI and, upon Judge Escaño's request, NBI, Senior Agent Mario C. Tonolet, conducted an investigation wherein Nevardo Flores, Judith and Eufemia Matuguina, Victor Espina, Constantino Abellera, Letecia Pernito and Gloria Cayabo de Alba, testified to the alleged corrupt and immoral activities of respondent prosecutor.

Nevardo Flores confirmed the fact that respondent prosecutor asked him to produce ₱80,000.00 for the dismissal of his cases and even suggested that he sell his land, tricycle and borrow money in order to raise the amount. He went to the house of Judge Escaño to inquire if the latter would dismiss his case if he would give ₱80,000.00 to respondent prosecutor. Although he failed to give the said amount, he, nevertheless gave respondent prosecutor the amount of ₱3,000.00 in consideration for the latter not to conduct a cross-examination. Half of the said amount was delivered to respondent prosecutor thru his fixer, a certain Valentin, and the other half was delivered by him personally to respondent prosecutor.

Judith and Eufemia Matuguina, the widow and mother, respectively, of victim Oscar Matuguina, of which Nevardo Flores was accused of murder, deny having agreed to a "transaction" involving the

₱80,000.00 demanded by respondent prosecutor much less did they authorize the latter to negotiate for the settlement of the case.

Victor Espina states that respondent prosecutor demanded ₱40,000.00 from him to settle his cases. He was able to give respondent prosecutor only ₱5,000.00, ₱3,000.00 of which was delivered thru Army Sgt. Constantino Abellana while the ₱2,000.00 was given to respondent prosecutor thru his lawyer, Atty. Benjamin Militar.

Constantino Abellana confirmed his receipt from Victor Espina of the amount of ₱3,000.00 which he, in turn, delivered to respondent prosecutor at the latter's house in Ormoc Heights, Ormoc City.

Gloria Alba avers that on three (3) different occasions, respondent prosecutor forced her to have sex with him, each time before trial was held in the criminal case involving her husband Rolando Alba, who was charged with and later convicted of illegal possession of prohibited drugs. She consented to have sex with respondent prosecutor as she was made to believe that respondent prosecutor would go easy on the trial of her husband's case.

Finally, Jose Burgos, Jr., an environmental consultant at PASAR in Isabel, Leyte, states that respondent prosecutor demanded from him the amount of ₱10,000.00 in consideration of an expeditious and favorable resolution of the criminal complaints he filed against some squatters. He did not give any money and his complaints were dismissed.

Prosecutor Castaños denies the charge. He has allegedly no knowledge of Flores going to the house of Judge Escaño much less did he ever demand money from him in connection with the cases pending in Judge Escaño's sala. It is a truism in criminal procedure that the fate of a party in a criminal case is in the hands of the judge handling the case and not with the prosecutor whose duty is to pursue its prosecution. When Judge Escaño set a confrontation conference in his chamber, Flores himself categorically denied, in his presence and that of Atty. Reguio Bantanan (private prosecutor) his participation or his involvement relative to the ₱80,000.00 which was intended to be given to the complainant in the murder case as sort of a compromise in the said case.

Respondent prosecutor further states that he has no knowledge of the alleged poison-letter sent to Judge Escaño. While the NBI was requested to investigate the supposed source of the said letter, the investigation resulted in a finding of his alleged corrupt activities, without giving him the opportunity to defend the accusations. Judge Escaño has harbored ill-feelings against him, the former strongly suspecting that he was the author of the poison-letter. As a pre-emptive move, Judge Escaño filed the instant complaint against him.

Regional State Prosecutor Francisco Q. Aurillo, Jr. of Region VIII, was directed to conduct a formal investigation in the instant administrative complaint. However, respondent prosecutor expressly waived his right to a formal hearing or investigation while complainant, on the other hand, submitted the case for resolution without further hearing. Upon the evidence on record, RSP Aurillo found respondent prosecutor administratively liable for his corrupt activities, using his office to extort money and sex from persons having official business with him as a public prosecutor. Respondent prosecutor was thus recommended to be meted a penalty of dismissal from the service.

After a careful evaluation of the record of the case, the Secretary of Justice finds Prosecutor Castaños liable for grave misconduct and disgraceful and immoral conduct and recommends his dismissal from the service with forfeiture of benefits under the law.

I concur with the findings of the Secretary of Justice.

What is exposed by the uncontroverted sworn statements of witnesses is the spectacle of respondent prosecutor extorting money and sex from persons having official business with him as a

public prosecutor. This, undeniably, is an outrageous act manifesting a corruption of justice that cannot be countenanced.

Respondent prosecutor's bare denial regarding his demands and receipt of money as well as his attribution of ill-motive on the part of complainant are insufficient to controvert the positive testimonies of witnesses that he demanded and received money, not to mention the sex solicitations he made, in exchange for whatever consideration he could give relating to the cases being prosecuted by him.

Indeed, respondent prosecutor's acts constitute the actionable administrative offenses of abuse of authority, extortion and blackmail, immorality and acts highly improper and unbecoming of a public prosecutor. His commission of the acts complained of being highly anomalous and reprehensible erodes the credibility demanded of a public prosecutor in regard to dispensing justice. Although we are not unmindful of the repercussions in meting the extreme penalty of respondent prosecutor's dismissal from the service, the interest of public service being paramount cannot, however, be compromised by the unlawful acts committed which indubitably tarnished the prosecution arm of the government.

WHEREFORE, premises considered, Assistant City Prosecutor Castaños, 1st Assistant City Prosecutor of Ormoc, is hereby found liable for grave misconduct and disgraceful and immoral conduct. Consequently, his dismissal from the service with forfeiture of all benefits under the law is hereby imposed, effective fifteen (15) days after his receipt of a copy of this Order pursuant to Book VII, Section 15, of the Administrative Code of 1987.

Done in the City of Manila, this 27th day of October, 1994, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 155

**CREATING AN INTER-AGENCY TASK FORCE FOR THE IMPLEMENTATION
OF AN INTEGRATED AREA DEVELOPMENT PROGRAM IN CONNECTION WITH
MALITUBOG-MARIDAGAO IRRIGATION PROJECT AND ITS IMMEDIATE ENVIRONS**

WHEREAS, the Government's vision of Philippines 2000 aims to provide all localities with opportunities for self-development and widen their access to productive resources;

WHEREAS, the Government recognizes that delivery of basic services should be undertaken in coordination with and among government instrumentalities and agencies and other concerned/affected sectors;

WHEREAS, the Malitubog-Maridagao Irrigation Project (MMIP) is intended to bring development to Carmen, North Cotabato and its adjacent areas;

WHEREAS, the MMIP which will benefit thousands of families, may also displace or adversely affect a number of others whose legitimate concerns or grievances must be adequately addressed;

WHEREAS, certain groups may be deliberately; exploiting the situation to provoke or promote an armed conflict along religious beliefs and derail the ongoing peace process with the Southern Philippines Autonomous Group/MNLF;

WHEREAS, there is a need to address problems, among which are poverty, lawlessness, injustice and under-development of the area, from a wholistic point of view;

WHEREAS, to enable the government to undertake measures to promote the accelerated socio-economic development of Carmen and its adjacent areas, there is a need to create a body that shall formulate and implement short and medium-term plans for the areas covered herein as well as certain policy, planning and implementation issues.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

Section 1. Creation of the Inter-Agency Task Force. There is hereby created an Inter-Agency Task Force (hereinafter referred to as "Task Force") which is hereby designated as Task Force MALMAR, to undertake an integrated development and security/law enforcement operations to facilitate the normalization of the peace and order condition and the socio-economic development of Carmen, Aleosan, Pikit and Kabacan, all of Cotabato, Pagalungan in Maguindanao, and other areas in the vicinity that may be subsequently included in the area of responsibility of the Task Force.

Sec. 2. Composition. The Task Force shall be headed by the Secretary of National Defense as Chairman, with the Secretary of Agriculture as Co-Chairman. Its members shall be composed of the Presidential Assistant for Mindanao; the Administrator, National Irrigation Administration (NIA); the Governors of ARMM, North Cotabato and Maguindanao; and senior representatives of the Secretaries/Heads of the following agencies with at least the rank of Director IV or equivalent:

- a. Department of Environment and Natural Resources;
- b. Department of Agrarian Reform;
- c. Department of Public Works and Highways;

- d. Department of Interior and Local Government;
- e. Department of Energy;
- f. Department of Education, Culture and Sports;
- g. Department of Trade and Industry;
- h. Department of Social Welfare and Development;
- i. Department of Health;
- j. Department of Justice;
- k. Department of Transportation and Communication;
- l. National Economic Development Authority;
- m. Presidential Management Staff;
- n. Philippine Information Agency;
- o. Armed Forces of the Philippines (GHQ); and
- p. Philippine National Police (National Headquarters).

Concerned local government executives, religious and community leaders, as may be determined by the Task Force, may be designated as ex-officio members, consultants, and/or advisers.

The Task Force is hereby authorized to call upon any department, bureau, office, agency, or instrumentality of the government, including government owned and controlled corporations, for such assistance as may be needed in the discharge of its functions.

Sec. 3. Functions. The Task Force shall have the following powers, functions, duties and responsibilities:

- a. Plan and implement an integrated multi-agency area development program in coordination with the local Peace and Order Councils and the Regional Development Council in the affected areas with the cooperation and support of the legislators, local government executives, religious and civic leaders, NGOs and POs;
- b. Adopt a process of maximum consultation with concerned agencies and communities to ensure that their needs, concerns and ideas are considered in the formulation of the socio-economic development program and the corresponding projects to be undertaken;
- c. Recommend and coordinate the adoption or adjustment/modification of existing/planned national and local agency programs/projects in the area;
- d. Formulate and supervise the implementation of an integrated and well-coordinated security and peace and order plan for the area;
- e. Formulate innovative schemes to provide opportunities for the private sector to participate in the planning and implementation of projects in the area;
- f. Act as interim central coordinating body and undertake measures to resolve local problems and issues that affect the socio-economic development of the area;
- g. Manage and coordinate government resources that will be utilized in implementation of identified priority development projects;
- h. Submit regular accomplishment reports to the President; and
- i. Perform such other tasks as may be directed by the President.

Sec. 4. Area Development Advisory Group. There shall be created an Area Development Advisory Group (ADAG) that shall provide advice to the Task Force in the resolution of security and development problems in the area. The members thereof shall also provide linkages with the concerned community leaders and the people affected by the MALMAR Irrigation Project and other development

projects that will be undertaken in the area. The said Advisory Group shall be composed of concerned local government executives, community leaders, and representatives of civic and religious groups, and other concerned parties/affected communities.

Sec. 5. Executive Committee. The Task Force shall have an Executive Committee consisting of representatives from the Department of National Defense as Chairman; Department of Agriculture; Department of Public Works and Highways, Department of Interior and Local Government; Department of Agrarian Reform; Philippine Information Agency; National Irrigation Administration, as members; and the Presidential Assistant for Mindanao; Commander, Southern Command, Armed Forces of the Philippines; Governors of Cotabato and Maguindanao, and selected NGO representatives as ex-officio members. The Executive Committee shall have the following functions, among others:

- a. Act as an executive body of the Task Force and oversee the implementation of its programs and projects;
- b. Act as an oversight body to assist and monitor the conduct of police and security operations and the public information and community relations efforts of the Task Force;

Sec. 6. Executive Director. The Commander, Southern Command, Armed Forces of the Philippines (COMSOUTHCOM) shall be the Task Force Executive Director who shall concurrently head the Secretariat and the Technical Support Staff. He shall have the following additional tasks/functions:

- a. Manage the planning and implementation of Task Force operations.
- b. Supervise the day-to-day implementation of Task Force plans, programs and projects.
- c. Prepare appropriate reports, including periodic progress reports on projects, to the President, thru the Task Force Chairman.

The Task Force Executive Director shall be assisted by a Deputy Executive Director and the Provincial Development Officers of Cotabato and Maguindanao who shall act as Assistant Executive Directors.

Sec. 7. Secretariat Support. The Office of the Commander, AFP Southern Command, shall provide administrative support to the Task Force. It shall be assisted by representatives from the member agencies in fulfilling its functions.

Sec. 8. Funding. The amount of THIRTY MILLION (P30,000,000.00), shall be drawn from the Calamity Fund for the initial operations and priority projects of the Task Force. Appropriations for the succeeding years shall be incorporated in the budget of the member/participating agencies.

Sec. 9. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of November, in the year of Our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 156

**DIRECTING THE CONDUCT OF A CONFERENCE ON POPULATION, ENVIRONMENT
AND PEACE IN 1995 AND CREATING A NATIONAL EXECUTIVE COMMITTEE TO PLAN
AND PREPARE FOR THE CONFERENCE**

WHEREAS, Sec. 5, Article II of the Philippine Constitution provides that “the maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy”;

WHEREAS, Section 9, Article II, of the Constitution provides that “the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all”;

WHEREAS, Sec. 12, Article II, of the Constitution provides that “the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution [and] shall equally protect the life of the mother and the life of the unborn from conception”;

WHEREAS, Sec. 16, Article II, of the Constitution provides that “the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature”;

WHEREAS, Sec. 3 of RA 7160 provides that “xxx Local government units shall share with the National Government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction xxx” and that “xxx The participation of the private sector in local governance, particularly in the delivery of basic services shall be encouraged to ensure the viability of local autonomy as an alternative strategy for sustainable development xxx”;

WHEREAS, pursuant to these mandates, the State has responded with the formulation and implementation of the Philippine Strategy for Sustainable Development, the Social Reform Agenda, and the Philippine Population Management Program as primary program pillars;

WHEREAS, there is a need for the local and national government to get together with non-governmental, community-based and sectoral organizations to formulate a national policy agenda and framework of action for human and ecological security aligned with the primary program pillars, in the context of the recently concluded International Conference on Population and Development, the forthcoming World Summit for Social Development, the Second International Forum on the Culture of Peace, and the 1997 Global Earth Charter;

WHEREAS, corollary to this effort for national policy formulation is its operationalization through local strategic plans;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Sec. I. Holding of a Conference on Population, Environment and Peace. There shall be a Conference on Population, Environment and Peace, to be known as the “Gathering for Human and

Ecological Security”, on June 15-17, 1995. The Conference shall aim to generate consensus among national and local government officials and legislators; non-governmental, community-based and sectoral organizations; and spiritual and indigenous leaders for an ethic of human and ecological security and for the formulation of a national policy agenda and framework of action, which shall include local strategic plans and the People’s Earth Charter.

Sec. 2. Holding of Regional Workshops. A series of regional conference workshops including interactive consultations shall be conducted in preparation for the conference to raise public awareness and stimulate broad discussion on population, environment and peace issues vital to human and ecological security.

Sec. 3. Creation of a National Executive Committee for the Conference. To plan and prepare for the conduct of the Conference, a National Executive committee is hereby organized.

a) **Composition.** The National Executive Committee shall be composed of the following:

Secretary of the Interior and Local Government	– Chairman
NGO Representative, Philippine Council for Sustainable Development to be recommended by the Council Chairman	– Co-Chairman
Secretary of Agrarian Reform (as Lead Convenor of the Social Reform Agenda)	– Members
Secretary of Socioeconomic Planning	
Secretary of Environment and Natural Resources	
Presidential Adviser for the Peace Process	
Heads of the Leagues of Provinces, Cities and Municipalities	
Presidents/Chairmen of the following NGOs:	
Philippine Rural Reconstruction Movement	
Philippine Business for Social Progress	
Women Action Network for Development	
Executive Director, Commission on Population	– Member-Secretary

b) **Functions.** The National Executive Committee shall have the following duties and responsibilities:

- b.1 Refine and finalize the Conference design and mechanics for approval of the President;
- b.2 Review and approve the project design of the regional conferences;
- b.3 Formulate and monitor compliance to a timetable of activities from the regional conferences to the “Gathering on Human and Ecological Security” to post conference activities;
- b.4 Coordinate with national and foreign funding institutions regarding resource generation and mobilization;
- b.5 Oversee and ensure the successful conduct of the regional workshops and the Conference; and
- b.6 Ensure submission to the President, within fifteen (15) days from the holding of the Conference, the national policy agenda and program framework of action.
- b.7 Submit regular reports on the status and results of the regional workshops and preparations for the Conference to the President, through the Executive Secretary.

Sec. 4. Secretariat Support. The Department of Interior and Local Government and the Commission on Population shall jointly provide secretariat support to the National Executive Committee and its activities, the regional workshops and the Conference. The Secretary of the National Executive Committee shall be the Head of the Secretariat.

Sec. 5. Assistance from Government Offices. The Chairman of the National Executive Committee is authorized to call on all departments and agencies of government including government owned and controlled corporations to actively assist on the effective and efficient implementation of the regional workshops and conference.

Sec. 6. Funding. The funding requirements for the regional workshops and the Conference, at such amounts as may be necessary, to be determined jointly by the National Executive Committee and the Department of Budget and Management, shall be charged against the President's Contingent Fund.

Sec. 7. Initial Funding Support. Two million pesos shall be made available to the Secretary of Interior and Local Government, as Chairman of the National Executive Committee, to cover initial costs, from the President's Contingent Fund.

Sec. 8. Effectivity. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 11th day of November, in the Year of Our Lord, Nineteen Hundred and Ninety Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 157
RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL COMMITTEE
IN CONNECTION WITH THE OBSERVANCE OF THE 98TH DEATH ANNIVERSARY
OF DR. JOSE P. RIZAL ON 30 DECEMBER 1994

I, **FIDEL V. RAMOS**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the membership of the Rizal Day National Centennial Committee in connection with the observance of the 98th Death Anniversary of Dr. Jose P. Rizal on 30 December 1994, as follows:

The Secretary of Education, Culture and Sports	– Chairman
The Chairman, Rizal Martyrdom Commission Centennial	– Co-Chairman
The Secretary of the Interior & Local Government	– Member
The Undersecretary of Public Works and Highways	– Member
The Undersecretary of National Defense	– Member
The Undersecretary of Tourism	– Member
The Undersecretary of Social Welfare and Development	– Member
The Undersecretary of Budget and Management	– Member
The Undersecretary, Office of the Press Secretary	– Member
The Chief of the Presidential Protocol	– Member
The Chairman, National Historical Institute	– Member
The Chairman, Metropolitan Manila Authority	– Member
The Executive Director, National Centennial Commission	– Member
The City Mayor of Manila	– Member
The Supreme Commander of the Knights of Rizal	– Member
The President, Kababaihang Rizalista	– Member

To fittingly commemorate and properly disseminate nationwide the 98th Death Anniversary of Dr. Jose Rizal, I hereby authorize the Department of Budget and Management to release an amount of **Three Hundred Fifty Thousand Pesos (P350,000.00)** from the President's Contingent Fund to defray expenses for the 1994 commemoration activities for the martyrdom of Dr. Rizal.

The Administrative Order shall take effect immediately.

Done in the City of Manila, this 22nd day of November, in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 158

EXTENDING UP TO DECEMBER 31, 1994 THE SUBMISSION OF THE FINAL REPORT
OF THE INTER-AGENCY COMMITTEE CREATED UNDER ADMINISTRATIVE ORDER
NO. 143, SERIES 1994

WHEREAS, under Administrative Order No. 143 series 1994, an Inter-Agency Committee was created to study the feasibility and practicality of providing ferry services for passengers and cargo, covering the Manila-Bicol-Masbate-Cebu route;

WHEREAS, under the aforesaid Administrative Order, the Committee is also mandated to recommend appropriate actions necessary for the implementation of the results, findings and recommendations of the study;

WHEREAS, the said Committee was given until October 31, 1994, within which to submit its final report to the President;

WHEREAS, the Committee has drafted its initial report but review and revision are needed to accommodate suggestions of local government units, non-governmental organizations and civic groups interested in the ferry services within their respective areas;

WHEREAS, the Committee must also evaluate the one-month test runs already being conducted by certain ferry operators in the new routes, to validate practical recommendations;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby extend to December 31, 1994, the functions including submission of the final report of the Inter-Agency Committee created under Administrative Order No. 143, s. 1994.

This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 22nd day of November, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 159

AMENDING ADMINISTRATIVE ORDER 23, DATED DECEMBER 17, 1992, WHICH
PRESCRIBES THE RULES AND PROCEDURES ON THE INVESTIGATION OF
ADMINISTRATIVE DISCIPLINARY CASES AGAINST ELECTIVE LOCAL OFFICIALS OF
PROVINCES, HIGHLY URBANIZED CITIES, INDEPENDENT COMPONENT CITIES,
COMPONENT CITIES, AND CITIES AND MUNICIPALITIES IN METROPOLITAN MANILA

I, **FIDEL V. RAMOS**, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Sections 2 and 3, Rule 1 of Administrative Order No. 23 dated December 17, 1992, are hereby amended to read as follows:

“**SEC. 2. Disciplining Authority.** All administrative complaints, duly verified, against elective local officials mentioned in the preceding Section shall be acted upon by the President. The President, who may act through the Executive Secretary, shall hereinafter be referred to as the Disciplining Authority.”

“**SEC. 3. Investigating Authority.** The Secretary of the Interior and Local Government is hereby designated as the Investigating Authority. He may constitute an Investigating Committee in the Department of the Interior and Local Government for the purpose.”

“The Disciplining Authority may, however, in the interest of the service, constitute a Special Investigating Committee in lieu of the Secretary of the Interior and Local Government.”

SEC. 2. Items (d) and (h) of Section 1, Rule 2, of Administrative Order No. 23 are hereby amended to read as follows:

“(d) Commission of any offense involving moral turpitude or any offense punishable by at least prison mayor, which is from six (6) years and one (1) day to twelve (12) years imprisonment;”

(h) Such other grounds as may be provided by the Local Government Code of 1991; Republic Act No. 6713; Republic Act No. 3019; Administrative Code of 1987; Revised Penal Code; and all other applicable general and special laws.”

SEC. 3. Section 7, Rule 5, of Administrative Order No. 23 is hereby amended to read as follows:

“**SEC. 7. 90-day ban.** No preliminary investigation shall be conducted within ninety (90) days immediately prior to any local election.”

SEC. 4. A new section is hereby added to Rule 7 of Administrative Order No. 23, after Section 13 thereof, to read as follows:

“SEC. 14. 90-day ban. No formal investigation shall be conducted within ninety (90) days immediately prior to any local election.”

SEC. 5. Sections 2 and 3, Rule 10, of Administrative Order No. 23 are hereby amended as follows:

“SEC. 2. Finality of decision. The decision of the Disciplining Authority shall immediately be final and executory upon receipt of a copy thereof by the complainant or the respondent, as the case may be.”

“SEC. 3. Motion for reconsideration. A motion for reconsideration shall not stay the execution of a decision. In the event that a decision is reconsidered as to result in an exoneration, the respondent shall be paid his salary and such other emoluments accruing during the period of his suspension of removal.”

SEC. 6. Section 2, Rule 11, of Administrative Order No. 23 is hereby amended to read as follows:

“SEC. 2. Suspension. The penalty of suspension shall not exceed the unexpired term of the respondent, or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.”

“When the respondent has been meted two (2) or more penalties of suspension for two (2) or more administrative offenses, such penalties shall be served successively.”

SEC. 7. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 25th day of November, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 160
CREATING THE NATIONAL ORGANIZING COMMISSION FOR THE 1996 ASIA-PACIFIC
ECONOMIC COOPERATION (APEC) MEETINGS, PRESCRIBING ITS
AUTHORITY AND FUNCTIONS

WHEREAS, the Philippines, committed to the continued development and growth of the Asia-Pacific region through close and meaningful cooperation with the countries in the region, has joined the Asia-Pacific Economic Cooperation (APEC).

WHEREAS, the Philippines as a founding member of APEC, has actively participated and will continue to participate in the activities of APEC;

WHEREAS, the Philippines will host the 1996 APEC annual meetings;

WHEREAS, there is a need to constitute a national commission to organize and supervise all activities related to the hosting of said meetings;

NOW THEREFORE, I, FIDEL V. RAMOS, by virtue of the powers vested in me by law, do hereby order that:

SECTION 1. Organization - A National Organizing Commission (APEC-NOC) is hereby constituted to be composed of the following:

Secretary of Foreign Affairs	- Chairman
Secretary of Trade and Industry	- Co-Chairman
Executive Secretary	- Co-Chairman
Secretary of Transportation and Communication	- Member
Secretary of Tourism	- Member
Secretary of Public Works and Highways	- Member
Secretary of the Interior and Local Government	- Member
Press Secretary	- Member
Secretary of Budget and Management	- Member
Chairman, Metro Manila Authority	- Member
Chairman, Subic Bay Metropolitan Authority	- Member
President, Philippine Chamber of Commerce and Industry	- Member
President, Makati Business Club	- Member

SECTION 2 Executive Committee - an APEC Executive Committee (APEC-EC) is hereby established to assist the APEC-NOC in the pursuit of its objectives. The APEC-EC shall be headed by a Director General to be appointed by the Chairman. The APEC-EC may constitute sub-committees as it may deem appropriate. The APEC-EC shall be composed of representatives of the following:

Secretary of Foreign Affairs;
Secretary of Trade and Industry;
Secretary of the Interior and Local Government;
Secretary of Budget and Management;
Chairman, Metro Manila Authority
Chairman, Subic Bay Metropolitan Authority; and
3 Representatives of the Private Sector

The APEC-NOC Chairman may also invite private individuals and organizations as members of the APEC-EC.

SECTION 3 **Authority and Functions** - In pursuit of its objectives and subject to existing laws, the APEC-NOC shall have the following authority and functions:

- 3.1 Formulate and recommend, after proper study and consultations, to the President within ninety (90) days from the signing of this Administrative Order, a preliminary workplan and estimated budget for the proper hosting of the said meetings;
- 3.2 Implement the workplan once approved by the President and supervise and monitor all activities in relations thereto;
- 3.3 Call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to carry out the purposes of this Administrative Order;
- 3.4 Negotiate and conclude agreements and contracts necessary for the attainment of the objectives of this Executive Order, including contracts for services;

SECTION 4 **Office** - The APEC-NOC shall hold office at the Department of Foreign Affairs in appropriate office to be provided by the Department.

SECTION 5 **Coordination with PCAAC** - The APEC-NOC shall consult and coordinate with the Philippine Council on ASEAN and APEC Cooperation (PCAAC) which shall continue to be responsible for formulating the Philippine position in substantive issues related to APEC.

SECTION 6 **Funding** - The APEC-NOC shall be funded with an initial allocation of five million pesos (₱5,000,000.00), without prejudice to the APEC-NOC submitting a supplemental budget, all to be drawn from the President's Contingent Fund (1995). Appropriation for 1996 shall be incorporated in budget proposals under the Office of the President.

SECTION 7 **Administrative Guidelines/Order** - The APEC-NOC shall adopt such administrative guidelines or orders as may be necessary to achieve the objectives of this Administrative Order.

SECTION 8 **Effectivity** - This Administrative Order shall take effect immediately.

Done in the City of Manila, Philippines, this 5th day of December, the of our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) LEONARDO A. QUISUMBING
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 160-A
AMENDING ADMINISTRATIVE ORDER NO. 160 ENTITLED, "CREATING THE NATIONAL
ORGANIZING COMMISSION FOR THE 1996 ASIA-PACIFIC ECONOMIC COOPERATION
(APEC) MEETINGS AND PRESCRIBING ITS AUTHORITY AND FUNCTIONS"

Section 1 (Organization). The following shall be included as additional members of the National Organizing Commission:

1. Secretary of the Department of Finance
2. Governor of the Bangko Sentral ng Pilipinas

Sec. 2 (Executive Committee). The three private sector representatives of the APEC-EC shall be appointed by the President.

Sec. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, Philippines, this 13th day of December, in the Year of Our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 160-B

FURTHER AMENDING ADMINISTRATIVE ORDER NOS. 160 AND 160-A “CREATING THE NATIONAL ORGANIZING COMMISSION FOR THE 1996 ASIA PACIFIC ECONOMIC COOPERATION (APEC) MEETINGS PRESCRIBING ITS AUTHORITY AND FUNCTIONS”

SECTION 1. Organization. The Secretary of the Department of National Defense shall be included as additional member of the National Organizing Commission.

SEC. 2. Executive Committee. The following shall be included as additional members of the APEC-EC:

1. Vice-Chief of Staff of the Armed Forces of the Philippines; and
2. General Manager of the Ninoy Aquino International Airport

SEC. 3. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of November, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) **FIDEL V. RAMOS**

By the President:
(Sgd.) **RUBEN D. TORRES**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 160-C

FURTHER AMENDING ADMINISTRATIVE ORDER NOS. 160, 160-A AND 160-B “CREATING THE NATIONAL ORGANIZING COMMISSION FOR THE 1996 ASIA-PACIFIC ECONOMIC COOPERATION (APEC) MEETINGS AND PRESCRIBING ITS AUTHORITY AND FUNCTIONS”

WHEREAS, finance and acquisition of logistics requirements for the 1996 hosting by the Philippines of the APEC annual meetings are critical concerns that must be addressed effectively to support all activities related thereto;

WHEREAS, there is a need to constitute a Finance Committee at the National Organizing Commission level to evaluate funding requirements related to the hosting of said meetings;

NOW, THEREFORE, I, FIDEL V. RAMOS, by virtue of the powers vested in me by law, do hereby order that;

SECTION 1. A Finance Committee of the APEC-NOC is hereby constituted to be composed of the following:

Secretary of Budget and Management	-	Chairman
Secretary of Foreign Affairs	-	Member
Secretary of Trade and Industry	-	Member
Executive Secretary, Office of the President	-	Member
NOC-EC Director-General	-	Member

SEC. 2. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 15th day of November, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **RUBEN D. TORRES**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 161

**PRESCRIBING A STANDARD INCENTIVE PAY SYSTEM BASED ON
PRODUCTIVITY AND PERFORMANCE, FOR ALL OFFICIALS AND EMPLOYEES OF THE
GOVERNMENT, NATIONAL AND LOCAL INCLUDING THOSE OF GOVERNMENT-
OWNED AND/OR -CONTROLLED CORPORATIONS AND GOVERNMENT FINANCIAL
INSTITUTIONS AND FOR OTHER PURPOSES**

WHEREAS, government recognizes that efficiency and effectiveness in the civil service can be further enhanced by an incentive pay system that is based on employee productivity and performance;

WHEREAS, some heads of government departments/offices authorized to grant of Productivity Incentive Benefits in varying amounts to their officials and employees of CYs 1991, 1992 and 1993 invoking as legal basis for such grant the provisions of Sections 31, 35 and 36(2), Chapter 5, Subtitle A, Title I, Book V of the Administrative Code of 1987, but which grant gave rise to dissension and dissatisfaction among those who received less or no benefits due to lack of funds;

WHEREAS, there is a need to rationalize the grant of said Productivity Incentive Benefit under a uniform set of guidelines to ensure fairness and equity in its award;

WHEREAS, Section 17, Article VII of the 1987 Constitution vests in the President of the Philippines prerogatives which include among others the determination of the rates, the timing and schedule of payment, and final authority to commit limited resources of government for the payment of personnel incentives, cash rewards, productivity and loyalty bonus, and other forms of additional compensation and fringe benefits to government personnel.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law do hereby direct.

SECTION 1. Policy. There shall be instituted a standard system of incentive pay based on productivity and performance among officials and employees of the Government.

SEC. 2. Coverage. The benefits herein authorized shall apply to all appointive officials and employees of the national government, local government units and government-owned and/or -controlled corporations and government financial institutions, including casual, temporary and full-time contractual personnel whose employment is in the nature of regular personnel, who obtained at least a satisfactory performance rating for the two (2) semesters immediately preceding the year in which the incentive pay shall be released and who have contributed to the productivity of their office/agency as determined by their respective heads of agency; Provided, that, officials and employees of government sequestered/foreclosed corporations that are covered by the national labor laws being implemented by the Department of Labor and Employment shall not be entitled to the benefits prescribed in this Order.

SEC. 3. Basis and Amount of Award. The incentive pay shall be based on individual personnel productivity and performance as evaluated and determined by the heads of the respective offices/agencies in accordance with the policies and standards set by the Civil Service Commission. The amount of incentive that will be paid deserving officials/employees pursuant to this Order may vary for each official/employee within an agency depending on individual performance appraisal, subject to Section 4 below.

SEC. 4. Total Cost of Incentive. The total cost of the incentive pay that will be utilized for the purpose by any government agency including government-owned and/or -controlled corporations, government financial institutions and local government units in any one year shall in no case exceed an aggregate total for an agency computed at an average of P2,000.00 per occupied/filled-up position referred to in Section 2 above as of end of CY 1994.

SEC. 5. Funding Source. The Department of Budget and Management shall set aside an Incentive Fund to be incorporated in the annual General Appropriations Act to cover the requirements of this Order in the National Government.

In the case of government-owned and/or -controlled corporations, including government financial institutions, local government units and project personnel, funding shall be sourced from their respective corporate, local and project funds. For this purpose, government-owned and/or -controlled corporations and government financial institutions, and local government units are hereby authorized to appropriate annually an amount to cover these benefits.

SEC. 6. Release of Funds to National Government Office/Agency. The Department of Budget and Management shall release the funds from the Incentive Fund direct to the government office/agency involved. For this purpose, offices/agencies of the national government shall submit a list of officials and employees entitled to the benefit under this Order within the first quarter of the calendar year immediately following the two semesters during which the benefit was earned, as basis for the release of funds.

SEC. 7. Prohibition from Establishing/Authorizing a Separate Productivity and Performance Incentive Award. Heads of departments, agencies, governing boards, commissions, offices, including government-owned and/or -controlled corporations and government financial institutions, and local government units, are hereby prohibited from establishing and authorizing a separate productivity and performance incentive award or any form of the same or similar nature.

Accordingly, all administrative authorization/decrees issued to select government offices/agencies, government-owned and/or -controlled corporations and government financial institutions, and local government units, relative to grant of any Incentive Award or Bonus; administrative, memorandum and/or any order issued authorizing the grant of Incentive Award or Bonus or any form of similar nature pursuant to the provisions of Sections 31, 35 and 36(2), Chapter 5, Subtitle A, Title I, Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987; and executive orders providing for the grant of said Incentive Award or Bonus that are not consistent with this Order are hereby revoked.

SEC. 8. Strict compliance by all concerned with the provisions of this Order is enjoined. Anyone found violating any of the mandates in this Order, including all officials/employees and the COA Auditor-in-Charge of such government office/agency found to have taken part thereof, shall be accordingly and severely dealt with in accordance with the applicable provisions of existing penal laws.

SEC. 9. Cases not covered under this Order shall be referred to the Department of Budget and Management for proper study and recommendation to the Office of the President.

SEC. 10. The Department of Budget and Management is directed to issue the appropriate circulars for the implementation of this Order.

SEC. 11. This Order shall take effect on January 1, 1995 based on the performance evaluation of officials and employees for CY 1994.

DONE in the City of Manila, this 6th day of December, in the year of our Lord, Nineteen Hundred and Ninety Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) LEONARDO A. QUISUMBING
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 162

**DIRECTING THE LAND BANK OF THE PHILIPPINES (LBP) TO INCREASE ITS LOANS/
FINANCIAL ASSISTANCE TO SMALL FARMERS AND ENHANCE ITS INSTITUTIONAL
TRAINING PROGRAMS OF FARMERS COOPERATIVES, AS A SAFETY NET MEASURE FOR
THE IMPLEMENTATION OF THE GATT-UR**

WHEREAS, the LBP is empowered under Sec. 75 of its charter (RA 3844, as amended) to grant loans and other financial assistance to farmers' cooperatives/associations "to facilitate production, marketing of crops and acquisition of essential commodities;"

WHEREAS, as of 1993, total loans/financial assistance extended to farmers was ₱9.1B benefitting 886,503 small farmers/fishermen, through 5198 cooperatives and 352 rural financial institutions;

WHEREAS, the LBP also provide institutional training programs to strengthen the Bank--assisted Cooperatives and for CY 1993 it has facilitated the training of 3,259 cooperatives on basic operations, management, value formation, bookkeeping, capital build-up, savings mobilization and entrepreneurship;

WHEREAS, the Senate Committee on the Whole, in one of its public hearings on the GATT-UR, recommended that LBP should increase its loans/financial assistance to farmers-- one of the sectors identified that will be affected by the implementation of the aforesaid Agreement;

WHEREAS, there is, indeed, an imperative need for LBP to further increase its loans/financial assistance to farmers and enhance its institutional training programs of farmers' cooperatives, as a safety net measure for the implementation of the aforesaid Agreement.

NOW THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The LBP shall further increase its loans/financial assistance to farmers and enhance its institutional training programs of farmers' cooperatives, as a safety net measure for the implementation of the GATT-UR, under such terms and conditions as are consistent with LBP's viability.

SEC. 2. To enable LBP to attain the above objectives and to strengthen its financial capability to sustain its on-going agrarian related and development programs, LBP shall be:

(1) Provided with low-cost revolving funds from the GATT-support funds which may be available under the General Appropriations Act for on-lending to the agricultural sector and to improve its funds mix;

(2) Exempted from any requirement of any governmental agency to rechannel its investable funds and deposits to the Bureau of Treasury and the Bangko Sentral ng Pilipinas.

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 7th day of December, 1994.

(Sgd.) FIDEL V. RAMOS

By the President
(Sgd.) LEONARDO A. QUISUMBING
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 163
CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE
COMMEMORATION OF THE 50TH ANNIVERSARY OF LIBERATION OF
PANAY AND ROMBLON ON 18 MARCH 1995

WHEREAS, March 18, 1995, marks the 50th Anniversary of the Liberation of Panay and Romblon which was part of the effort to liberate the Philippines from the Japanese occupation during the World War II;

WHEREAS, this event should be appropriately observed to promote, preserve and memorialize the principles, ideals and deeds of Filipino military veterans as a means of enhancing patriotism and love of country, especially among the youth of the land;

WHEREAS, the commemoration of this event should be focused on the values of freedom and lasting peace for which Filipino war veterans fought valiantly, many of whom paid the ultimate sacrifice;

WHEREAS, there is a need to coordinate all activities that are envisioned to foster nationalism among Filipinos, particularly with that of the National Centennial Commission, which was created pursuant to E.O. 128, dated October 4, 1993, to act as the principal coordinator for all activities related to the Centennial Celebrations of the Philippine Independence.

NOW, THEREFORE, I FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a National Executive Committee. There is hereby constituted a National Executive Committee on the Commemoration of the 50th Anniversary of the Liberation of Panay and Romblon hereinafter referred to as the Committee, to be composed of the following:

- (1) The Secretary of National Defense, as Chairman
- (2) The Secretary of Tourism, as Vice-Chairman
- (3) The Secretary of Foreign Affairs;
- (4) The Secretary of Education, Culture and Sports;
- (5) The Secretary of Interior and Local Government;
- (6) The Secretary of Transportation and Communications;
- (7) The Secretary of Public Works and Highways;
- (8) The Secretary of Budget and Management;
- (9) The Secretary of Environment and Natural Resources;
- (10) The Secretary of Finance;
- (11) Press Secretary;
- (12) Chief of Staff, Armed Forces of the Philippines;
- (13) Chief, Philippine National Police;
- (14) Administrator, Philippine Veterans Affairs Office;
- (15) Chairman, National Historical Institute;
- (16) Governor, Province of Iloilo;

- (17) Governor, Province of Antique;
- (18) Governor, Province of Aklan;
- (19) Governor, Province of Capiz;
- (20) Governor, Province of Romblon;
- (21) Governor, Province of Guimaras
- (22) Mayor, Iloilo City
- (23) President, Veterans Federation of the Philippines;
- (24) National President, Boy Scouts of the Philippines;
- (25) National President, Girl Scouts of the Philippines;
- (26) Chief, Military Shrines Service
- (27) President, Sons and Daughters of Veterans, Inc.;
- (28) Representatives of Non-Governmental Organizations.

SECTION 2. – Functions of the Committee. The Committee shall take charge of the preparations for the 50th Anniversary of the Liberation of Panay and Romblon on March 18, 1995. For this purpose, it shall have the following functions:

- (a) Formulate all the programs, projects and activities that shall be conducted in observance of the 50th Anniversary of the Liberation of Panay and Romblon;
- (b) Prepare the implementing guidelines for all the programs, projects and activities that shall be undertaken for the commemoration;
- (c) Orchestrate and coordinate the implementation of all the programs, projects and activities that shall be undertaken for the commemoration;
- (d) Source funds and prepare the budget which shall be required by the Committee in the discharge of its functions; and
- (e) Perform other tasks as may be given by the President.

SECTION 3. Operational Relationships. In the conduct of all programs, projects and activities in the observance of the 50th Anniversary of the Liberation of Panay and Romblon, the Committee shall coordinate with the National Centennial Commission.

The Committee is also authorized to call upon the assistance of any department, bureau, agency, office and other instrumentality of the Government, as well as invite non-governmental organizations as it may deem necessary in the performance of its functions.

SECTION 4. Creation of Sub-Committees. The Committee may form sub-committees as it may deem necessary to effectively carry out its duties and responsibilities.

SECTION 5. Technical and Secretariat Support. The Department of National Defense shall provide technical secretariat and administrative support to the Committee.

SECTION 6. Funding. Funds necessary to carry out the provisions of this Administrative Order shall be taken from the respective appropriations of the concerned agencies.

SECTION 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of December, in the year of our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) LEONARDO A. QUISUMBING
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 164

CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE COMMEMORATION
OF THE 50TH ANNIVERSARY OF THE LIBERATION OF BAGUIO CITY ON 28 APRIL 1995

WHEREAS, April 28, 1995 marks the 50th Anniversary of the Liberation of Baguio City which was part of the effort to liberate the Philippines from the Japanese occupation during the World War II;

WHEREAS, this event should be appropriately observed to promote, preserve and memorialize the principles, ideals and deeds of Filipino military veterans as a means of enhancing patriotism and love of country, especially among the youth of the land;

WHEREAS, the commemoration of this event should be focused on the values of freedom and lasting peace for which Filipino war veterans fought valiantly, many of whom paid the ultimate sacrifice;

WHEREAS, there is a need to coordinate all activities that are envisioned to foster nationalism among Filipinos, particularly with that of the National Centennial Commission, which was created pursuant to E.O. 128, dated October 4, 1993, to act as the principal coordinator for all activities related to the Centennial Celebrations of the Philippine Independence.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a National Executive Committee. There is hereby constituted a National Executive Committee on the Commemoration of the 50th Anniversary of the Liberation of Baguio City hereinafter referred to as the Committee, to be composed of the following:

- (1) The Secretary of National Defense, as Chairman;
- (2) The Secretary of Tourism, as Vice-Chairman;
- (3) The Secretary of Foreign Affairs;
- (4) The Secretary of Education, Culture and Sports;
- (5) The Secretary of Interior and Local Government;
- (6) The Secretary of Transportation and Communications;
- (7) The Secretary of Public Works and Highways;
- (8) The Secretary of Budget and Management;
- (9) The Secretary of Environment and Natural Resources;
- (10) The Secretary of Finance;
- (11) Press Secretary;
- (12) Administrator, Cordillera Administrative Region;
- (13) Chief of Staff, Armed Forces of the Philippines;
- (14) Chief, Philippine National Police;
- (15) Administrator, Philippine Veterans Affairs Office;
- (16) Chairman, National Historical Institute;
- (17) Mayor, City of Baguio;
- (18) Governor, Province of Benguet;
- (19) President, Veterans Federation of the Philippines;

- (20) National Commander, USAFIP-NL
- (21) National President, Boy Scouts of the Philippines;
- (22) National President, Girl Scouts of the Philippines;
- (23) Chief, Military Shrines Service;
- (24) President, Sons and Daughters of Veterans, Inc.;
- (25) Representatives of Non-Governmental Organizations.

SECTION 2. – Functions of the Committee. The Committee shall take charge of the preparations for the 50th Anniversary of the Liberation of Baguio City on April 28, 1995. For this purpose, it shall have the following functions:

- (a) Formulate all the programs, projects and activities that shall be conducted in observance of the 50th Anniversary of the Liberation of Baguio City;
- (b) Prepare the implementing guidelines for all the programs, projects and activities that shall be undertaken for the commemoration;
- (c) Orchestrate and coordinate the implementation of all the programs, projects and activities that shall be undertaken for the commemoration;
- (d) Source funds and prepare the budget which shall be required by the Committee in the discharge of its functions; and
- (e) Perform other tasks as may be given by the President.

SECTION 3. Operational Relationships. In the conduct of all programs, projects and activities in the observance of the 50th Anniversary of the Liberation of Baguio City, the Committee shall coordinate with the National Centennial Commission.

The Committee is also authorized to call upon the assistance of any department, bureau, agency, office and other instrumentality of the Government, as well as invite non-governmental organizations as it may deem necessary in the performance of its functions.

SECTION 4. Creation of Sub-Committees. The Committee may form sub-committees as it may deem necessary to effectively carry out its duties and responsibilities.

SECTION 5. Technical and Secretariat Support. The Department of National Defense shall provide technical, secretariat and administrative support to the Committee.

SECTION 6. Funding. Funds necessary to carry out the provisions of this Administrative Order shall be taken from the respective appropriations of the concerned agencies.

SECTION 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of December, in the year of our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) LEONARDO A. QUISUMBING
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 165
CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE
COMMEMORATION OF THE 50TH ANNIVERSARY OF THE BATTLE
OF BESSANG PASS, ILOCOS SUR ON 12 MAY – 14 JUNE 1995

WHEREAS, The period May 12 to June 14, 1995, marks the 50th Anniversary of the Battle of Bessang Pass in Ilocos Sur which was signalled the beginning of the end of Japanese resistance in the Philippines during the World War II;

WHEREAS, this event should be appropriately observed to promote, preserve and memorialize the principles, ideals and deeds of Filipino military veterans as a means of enhancing patriotism and love of country, especially among the youth of the land;

WHEREAS, the commemoration of this event should be focused on the values of freedom and lasting peace for which Filipino war veterans fought valiantly, many of whom paid the ultimate sacrifice;

WHEREAS, there is a need to coordinate all activities that are envisioned to foster nationalism among Filipinos, particularly with that of the National Centennial Commission, which was created pursuant to E.O. 128, dated October 4, 1993, to act as the principal coordinator for all activities related to the Centennial Celebrations of the Philippine Independence.

NOW, THEREFORE, I FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a National Executive Committee. There is hereby constituted a National Executive Committee on the Commemoration of the 50th Anniversary of the Battle of Bessang Pass hereinafter referred to as the Committee, to be composed of the following:

- (1) The Secretary of National Defense, as Chairman
- (2) The Secretary of Tourism, as Vice-Chairman
- (3) The Secretary of Foreign Affairs;
- (4) The Secretary of Education, Culture and Sports;
- (5) The Secretary of Interior and Local Government;
- (6) The Secretary of Transportation and Communications;
- (7) The Secretary of Public Works and Highways;
- (8) The Secretary of Budget and Management;
- (9) The Secretary of Environment and Natural Resources;
- (10) The Secretary of Finance;
- (11) Press Secretary;
- (12) Chief of Staff, Armed Forces of the Philippines;
- (13) Chief, Philippine National Police;
- (14) Administrator, Philippine Veterans Affairs Office;
- (15) Chairman, National Historical Institute;
- (16) Governor, Province of Ilocos Sur;

- (17) Governor, Province of Ilocos Norte;
- (18) Governor, Province of Abra;
- (19) Governor, Province of Benguet;
- (20) Governor, Province of La Union;
- (21) President, Veterans Federation of the Philippines;
- (22) National Commander, USAFIP-NL
- (23) National President, Boy Scouts of the Philippines;
- (24) National President, Girl Scouts of the Philippines;
- (25) Chief, Military Shrines Service;
- (26) Representatives of Non-Governmental Organizations.

SECTION 2. - Functions of the Committee. The Committee shall take charge of the preparations for the 50th Anniversary of the Capture of Bessang Pass, on 14 June 1995. For this purpose, it shall have the following functions:

- (a) Formulate all the programs, projects and activities that shall be conducted in observance of the 50th Anniversary of the Capture of Bessang Pass;
- (b) Prepare the implementing guidelines for all the programs, projects and activities that shall be undertaken for the commemoration;
- (c) Orchestrate and coordinate the implementation of all the programs, projects and activities that shall be undertaken for the commemoration;
- (d) Source funds and prepare the budget which shall be required by the Committee in the discharge of its functions; and
- (e) Perform other tasks as may be given by the President.

SECTION 3. Operational Relationships. In the conduct of all programs, projects and activities in the observance of the 50th Anniversary of the Capture of Bessang Pass, the Committee shall coordinate with the National Centennial Commission.

The Committee is also authorized to call upon the assistance of any department, bureau, agency, office and other instrumentality of the Government, as well as invite non-governmental organizations as it may deem necessary in the performance of its functions.

SECTION 4. Creation of Sub-Committees. The Committee may form sub-committees as it may deem necessary to effectively carry out its duties and responsibilities.

SECTION 5. Technical and Secretariat Support. The Department of National Defense shall provide technical, secretariat and administrative support to the Committee.

SECTION 6. Funding. Funds necessary to carry out the provisions of this Administrative Order shall be taken from the respective appropriations of the concerned agencies.

SECTION 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of December, in the year of our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) LEONARDO A. QUISUMBING
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 166

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 166 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila : Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 167

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 167 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila : Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 168
CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE COMMEMORATION
OF THE 50TH ANNIVERSARY OF THE LANDING IN NASUGBU, BATANGAS, ON
31 JANUARY 1995 AND LIBERATION OF TAGAYTAY, CAVITE, ON 2 FEBRUARY 1995

WHEREAS, January 31, 1995, marks the 50th Anniversary of the Landing in Nasugbu, Batangas, and February 2, 1995 Liberation of Tagaytay, Cavite, which were part of the effort to liberate the Philippines from the Japanese occupation during the World War II;

WHEREAS, this event should be appropriately observed to promote, preserve and memorialize the principles, ideals and deeds of Filipino military veterans as a means of enhancing patriotism and love of country, especially among the youth of the land;

WHEREAS, the commemoration of this event should be focused on the values of freedom and lasting peace for which Filipino war veterans fought valiantly, many of whom paid the ultimate sacrifice;

WHEREAS, there is a need to coordinate all activities that are envisioned to foster nationalism among Filipinos, particularly with that of the National Centennial Commission, which was created pursuant to E.O. 128, dated October 4, 1993, to act as the principal coordinator for all activities related to the Centennial Celebrations of the Philippine Independence.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a National Executive Committee. There is hereby constituted a National Executive Committee on the Commemoration of the 50th Anniversary of the Landing in Nasugbu, Batangas, and the Liberation of Tagaytay, Cavite, hereinafter referred to as the Committee, to be composed of the following:

- (1) The Secretary of National Defense, as Chairman
 - (2) The Secretary of Tourism, as Vice-Chairman
 - (3) The Secretary of Foreign Affairs;
 - (4) The Secretary of Education, Culture and Sports;
 - (5) The Secretary of Interior and Local Government;
 - (6) The Secretary of Transportation and Communications;
 - (7) The Secretary of Public Works and Highways;
 - (8) The Secretary of Budget and Management;
 - (9) The Secretary of Environment and Natural Resources;
 - (10) The Secretary of Finance;
 - (11) Press Secretary;
 - (12) Chief of Staff, Armed Forces of the Philippines;
 - (13) Chief, Philippine National Police;
 - (14) Administrator, Philippine Veterans Affairs Office
 - (15) Chairman, National Historical Institute;
 - (16) Governor, Province of Batangas;
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- (17) Governor, Province of Cavite;
- (18) Mayor of Nasugbu, Batangas;
- (19) Mayor of Tagaytay City;
- (20) President, Veterans Federation of the Philippines;
- (21) National President, Boy Scouts of the Philippines;
- (22) National President, Girl Scouts of the Philippines;
- (23) Chief, Military Shrines Service;
- (24) President, Sons and Daughters of Veterans, Inc.;
- (25) Representatives of Non-Governmental Organizations.

SECTION 2. - Functions of the Committee. The Committee shall take charge of the preparations for the 50th Anniversary of the Landing in Nasugbu, Batangas, and Liberation of Tagaytay, Cavite, on January 31, 1995, and February 2, 1995, respectively. For this purpose, it shall have the following functions:

- (a) Formulate all the programs, projects and activities that shall be conducted in observance of the 50th Anniversary of the Landing in Nasugbu, Batangas, and Liberation of Tagaytay, Cavite;
- (b) Prepare the implementing guidelines for all the programs, projects and activities that shall be undertaken for the commemoration;
- (c) Orchestrate and coordinate the implementation of all the programs, projects and activities that shall be undertaken for the commemoration;
- (d) Source funds and prepare the budget which shall be required by the Committee in the discharge of its functions; and
- (e) Perform other tasks as may be given by the President.

SECTION 3. Operational Relationships. In the conduct of all programs, projects and activities in the observance of the 50th Anniversary of the Landing in Nasugbu, Batangas, and Liberation of Tagaytay, Cavite, the Committee shall coordinate with the National Centennial Commission.

The Committee is also authorized to call upon the assistance of any department, bureau, agency, office and other instrumentality of the Government, as well as invite non-governmental organizations as it may deem necessary in the performance of its functions.

SECTION 4. Creation of Sub-Committees. The Committee may form sub-committees as it may deem necessary to effectively carry out its duties and responsibilities.

SECTION 5. Technical and Secretariat Support. The Department of National Defense shall provide technical secretariat and administrative support to the Committee.

SECTION 6. Funding. Funds necessary to carry out the provisions of this Administrative Order shall be taken from the respective appropriations of the concerned agencies.

SECTION 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of December, in the year of our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) LEONARDO A. QUISUMBING
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 169
CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE
COMMEMORATION OF THE 50TH ANNIVERSARY OF THE RETAKING
OF CORREGIDOR ISLAND ON 16 FEBRUARY 1995

WHEREAS, February 16, 1995, marks the 50th Anniversary of the Retaking of Corregidor Island which were part of the effort to liberate the Philippines from the Japanese occupation during the World War II;

WHEREAS, this event should be appropriately observed to promote, preserve and memorialize the principles, ideals and deeds of Filipino military veterans as a means of enhancing patriotism and love of country, especially among the youth of the land;

WHEREAS, the commemoration of this event should be focused on the values of freedom and lasting peace for which Filipino war veterans fought valiantly, many of whom paid the ultimate sacrifice;

WHEREAS, there is a need to coordinate all activities that are envisioned to foster nationalism among Filipinos, particularly with that of the National Centennial Commission, which was created pursuant to E.O. 128, dated October 4, 1993, to act as the principal coordinator for all activities related to the Centennial Celebrations of the Philippine Independence.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a National Executive Committee. There is hereby constituted a National Executive Committee on the Commemoration of the 50th Anniversary of the Retaking of Corregidor Island, hereinafter referred to as the Committee, to be composed of the following:

- (1) The Secretary of National Defense, as Chairman
- (2) The Secretary of Tourism, as Vice-Chairman
- (3) The Secretary of Foreign Affairs;
- (4) The Secretary of Education, Culture and Sports;
- (5) The Secretary of Interior and Local Government;
- (6) The Secretary of Transportation and Communications;
- (7) The Secretary of Budget and Management;
- (8) Press Secretary;
- (9) Chief of Staff, Armed Forces of the Philippines;
- (10) Chief, Philippine National Police;
- (11) Administrator, Philippine Veterans Affairs Office;
- (12) Chairman, National Historical Institute;
- (13) Governor, Province of Cavite;
- (14) Governor, Province of Bataan;
- (15) President, Corregidor Foundation;
- (16) President, Veterans Federation of the Philippines;

- (17) National Commander, Defenders of Bataan and Corregidor;
- (18) National President, Boy Scouts of the Philippines;
- (19) National President, Girl Scouts of the Philippines;
- (20) Chief, Military Shrines Service;
- (21) President, Sons and Daughters of Veterans Federation of the Philippines, Inc.;
- (22) Representatives of Non-Governmental Organizations.

SECTION 2. - Functions of the Committee. The Committee shall take charge of the preparations for the 50th Anniversary of the Retaking of Corregidor Island on February 16, 1995. For this purpose, it shall have the following functions:

- (a) Formulate all the programs, projects and activities that shall be conducted in observance of the 50th Anniversary of the Retaking of Corregidor Island;
- (b) Prepare the implementing guidelines for all the programs, projects and activities that shall be undertaken for the commemoration;
- (c) Orchestrate and coordinate the implementation of all the programs, projects and activities that shall be undertaken for the commemoration;
- (d) Source funds and prepare the budget which shall be required by the Committee in the discharge of its functions; and
- (e) Perform other tasks as may be given by the President.

SECTION 3. Operational Relationships. In the conduct of all programs, projects and activities in the observance of the 50th Anniversary of the Retaking of Corregidor Island, the Committee shall coordinate with the National Centennial Commission.

The Committee is also authorized to call upon the assistance of any department, bureau, agency, office and other instrumentality of the Government, as well as invite non-governmental organizations as it may deem necessary in the performance of its functions.

SECTION 4. Creation of Sub-Committees. The Committee may form sub-committees as it may deem necessary to effectively carry out its duties and responsibilities.

SECTION 5. Technical and Secretariat Support. The Department of National Defense shall provide technical, secretariat and administrative support to the Committee.

SECTION 6. Funding. Funds necessary to carry out the provisions of this Administrative Order shall be taken from the respective appropriations of the concerned agencies.

SECTION 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of December, in the year of our Lord, Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) LEONARDO A. QUISUMBING
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 170

AUTHORIZING THE SUBSIDIZATION OF CERTAIN LOCAL GOVERNMENT UNITS FOR THE IMPLEMENTATION OF THE SALARY INCREASES OF DEVOLVED HEALTH WORKERS MANDATED UNDER REPUBLIC ACT NO. 6758 (THE SALARY STANDARDIZATION LAW) AS IMPLEMENTED BY EXECUTIVE ORDER NO. 164, AS AMENDED, AND UNDER REPUBLIC ACT NO. 7305 (THE MAGNA CARTA FOR PUBLIC HEALTH WORKERS)

WHEREAS, Republic Act No. 7305 otherwise known as the Magna Carta for Public Health Workers stipulates that the salary scales of public health workers whose salaries are appropriated by local government units shall not be less than those provided for public health workers of the National Government;

WHEREAS, the same Republic Act No. 7305 mandates that the amount necessary to pay the difference between the salary rates received by nationally-paid and locally-paid health workers of equivalent positions shall be subsidized by the National Government;

WHEREAS, the said Republic Act No. 7305 furthermore entrusts to the Secretary of Health the responsibility for estimating and programming the budgetary requirement for the implementation of said Act in consultation with the Secretary of Budget and Management and the Congressional Commission on Health;

WHEREAS, the salary increases for public officials and employees have been authorized under the Revised Compensation and Position Classification System adopted by virtue of Joint Senate and House Resolution No. 1, series of 1994, and enforced through Executive Order No. 164, as amended;

WHEREAS, the amount appropriated under the 1994 General Appropriations Act for the implementation of the magna carta benefits for the devolved public health workers cannot cover the salary increases authorized under said Revised Compensation and Position Classification System;

WHEREAS, the efficient and effective discharge of the health functions and responsibilities devolved to local government units depends greatly on the morale and social and economic well-being of the locally-paid health workers;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the power vested in me by law, upon recommendation of the Chairman of the Oversight Committee constituted under Section 533 of Republic Act No. 7160 otherwise known as the Local Government Code, do hereby order and direct:

Section 1. The sum of FIFTY MILLION PESOS (P50,000,000.00) shall be released to the Department of Health against whatever available funds under the 1994 General Appropriations Act which may be utilized as financial assistance to local government units for the partial implementation of the salary adjustments of the devolved public health workers authorized under Executive Order No. 164, as amended.

Section 2. The financial assistance shall be extended to such local government unit as may be determined by the Oversight Committee constituted under the Local Government Code taking into consideration the relative financing burden of each local government units attributable to the cost of

devolved national functions vis-a-vis the increase in income of said local government unit resulting from the increase in internal revenue allotment mandated under the Local Government Code.

Section 3. Local government units which shall be extended financial assistance shall establish the trust fund account for the subsidy which shall be deemed automatically appropriated for the payment of the salary differentials of the devolved public health workers.

Section 4. The Secretary of Health and the recipient local government unit head shall execute a memorandum of agreement delineating their respective responsibilities and accountabilities in the subsidization of the salary differentials of the affected devolved health workers.

Section 5. The rules and regulations to be observed in the establishment, release disbursement and accounting of the financial assistance to local government units herein authorized shall be issued by the Secretary of Budget and Management.

Section 6. The Secretary of Health shall give priority in the use of savings of the Department of Health for 1995 under the 1995 General Appropriations Act for the implementation of Section 19 of Republic Act No. 7305. Thereafter, he shall submit annually the necessary budget estimates to cover the magna carta benefits of the devolved public health workers to the Secretary of Budget and Management and in consultation with the Congressional Commission on Health.

Section 7. No further grant of new or increased benefits under Republic Act No. 7305 shall be authorize for national government health workers unless there is prior consultation with local government units as to their financial capability to extend the same benefits to the locally-paid health workers.

Section 8. This Order shall take effect immediately.

DONE, in the City of Manila, this 13th day of December, in the year of Our Lord Nineteen Hundred and Ninety-Four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 171
CONSTITUTING A PHILIPPINE HOST COMMITTEE FOR
THE 1995 JOHNNIE WALKER GOLF CLASSIC

WHEREAS, the Philippines has successfully played host to major world conferences and international sporting events;

WHEREAS, the Philippines won the bid to host the 1995 Johnnie Walker Golf Classic to be held at the Orchard Golf and Country Club in Dasmariñas, Cavite, on January 26-29, 1995;

WHEREAS, the 1994 Johnnie Walker Golf Classic was held earlier this year in Phuket, Thailand, where the tournament consolidated its position as the premier golfing event throughout Asia;

WHEREAS, the increasing success of the Johnnie Walker Classic in the Asian Region, boasting of a field that incorporates the leading players from all continents, has ensured that the event is now recognized as one of the top tournaments in the world, attracting not only top caliber players from various regions but also golf enthusiasts and tourists who visit the host country to watch the tournament;

WHEREAS, the Philippines was chosen as the host for the 1995 event based on the fact that the country is one of the most exotic destinations in Asia with a rich culture, and warm and friendly people, and that the Philippines has experienced a golf boom over the last few years;

WHEREAS, the staging of the Johnnie Walker Classic directly supports the efforts of the tourism industry in projecting and promoting the Philippines as an ideal golf destination for international and local golf enthusiasts and tourists;

WHEREAS, the holding of the said golfing event will bring international prestige, publicity, goodwill, and economic benefits to the country.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. A Philippine Host Committee (PHC) headed by the Department of Tourism together with its attached agencies, and the Republic of the Philippines Golf Association (RPGA), is hereby constituted to oversee and undertake all the necessary preparations for the 1995 Johnnie Walker Golf Classic.

The Secretary of Tourism shall be the PHC Overall Chairman with the President of the RPGA as Co-Chairman.

SEC. 2. The PHC, through the DOT, is directed to coordinate with and assist the tournament organizers with respect to hosting requirements, particularly in the areas of but not limited to security, publicity and promotions, land and air arrangements, airport reception and facilitation, and accommodations.

SEC. 3. All concerned government departments, agencies, and offices, including government-owned and controlled corporations, whose assistance will be sought by the PHC, are directed to extend their support and resources to the Johnnie Walker Classic to ensure its success.

SEC. 4. The amount necessary for the Johnnie Walker Classic, including the operations of the PHC and its secretariat, working groups and advisory boards, shall come from sponsorships, donations, grants, contributions, proceeds from tournament-related activities, or any form of assistance from any private or government entities.

SEC. 5. The DOT is authorized to source funds from its trust liability account, pursuant to Section 3 of E.O. No. 46 (September 4, 1986) to cover the hosting fee to be incurred by the PHC.

SEC. 6. The PHC is authorized to open an account with a government bank in which income/proceeds from Sections 3 & 4 above shall be deposited and disbursed in accordance with its accounting and auditing rules and regulations.

SEC. 7. The PHC shall be authorized to pay honorarium to those who will be involved with the Johnnie Walker Classic subject to existing accounting and auditing rules and regulations.

SEC. 8. The PHC through the DOT, PTA and PCVC, shall coordinate the effective implementation of this Order.

SEC. 9. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 13th day of December, in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 172
CREATING A NATIONAL COMMITTEE FOR THE COMMEMORATION OF THE NINTH
ANNIVERSARY OF THE FEBRUARY 22-25, 1986 EDSA REVOLUTION

WHEREAS, the February 22-25, 1986 EDSA Revolution restored democratic institutions, ushered meaningful political, social and economic reforms in the country and is acclaimed to be the crowning glory and legacy of the Filipino to the world;

WHEREAS, the triumph of this Revolution was anchored upon people power, the ultimate demonstration of the citizen's solidarity in seeking to transform Philippine society and chart a new course for the country's history by linking arms and courageously asserting their democratic rights.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby create a National Committee for the Commemoration of the Ninth Anniversary of the February 22-25, 1986 Revolution.

Section 1. Composition. The Committee shall be composed of Mr. Jose de Jesus as Chairman, Social Security System Administrator Renato Valencia as Co-Chairman and the following as members:

Representatives of the NGOs/Business Community:

1. Ms. Victoria Garchitorena
2. Mr. Jose Concepcion, Jr.
3. Mr. Jose Alejandro
4. Mr. Octavio Espiritu
5. Mr. Manolo Lopez
6. Mr. Christopher Carreon
7. Ms. Denise Manosa
8. Mr. Jose Escaner
9. Mr. Lito Lorenzana
10. Monsignor Socrates Villegas
11. Mr. Vicente Jayme
12. Mr. Felipe F. Cruz, Jr.
13. Mr. David Consunji
14. Mr. Alberto Manlapid
15. Mr. Perfecto F. Quicho
16. Ms. Tina Monzon-Palma
17. Mr. Norberto Gonzales
18. Ms. Maria Montelibano
19. Ms. Patricia C. Sison

Representatives from the Government Sector:

20. Secretary Rafael Alunan III, Department of Interior and Local Government;
21. Secretary Gregorio Vigilar, Department of Public Works and Highways;
22. Secretary Salvador Enriquez, Department of Budget and Management;
23. Secretary Roberto Romulo, Department of Foreign Affairs;
24. Director-General Bren Z. Guiao, Kabisig People's Movement;
25. Chairman Prospero Oreta, Metro Manila Authority;
26. Mayor Ismael Mathay, Jr., Quezon City;
27. Administrator Jose Rufino, Livelihood Corporation;
28. Usec. Honesto Isleta, Philippine Information Agency;
29. Chairman Alfredo Antonio, Development Bank of the Philippines;
30. Vice-Chairman Rogelio Singson, Bases Conversion Development Authority; and,
31. Director Serafin Quiazon, National Historical Institute.

Ms. Patricia Sison and Secretary Renato de Villa, former Chairpersons of the National Committee for the commemoration of the 8th Anniversary of the EDSA Revolution, shall serve as Advisers to the Committee.

SEC. 2. Function. The Committee shall have the following functions:

1. Formulate a comprehensive plan for the nationwide commemoration of the 9th Anniversary of the February 22-25, 1986 EDSA Revolution, and coordinate with all sectors concerned the implementation of the same, taking into consideration austerity measures and the spirit of volunteerism;
2. Create such working committees and designate the respective members thereof from both the private and government sectors as may be necessary to ensure the success of the celebration; and,
3. Invite or enjoin and mobilize all sectors who would like to participate in the celebration and call upon any government instrumentality to render the necessary assistance therefor.

SEC. 3. Staff Support. The KABISIG People's Movement National Operations Center (KPM-NOC) shall provide the technical and secretariat support to the Committee. The Heads of Departments, agencies, government-owned and controlled corporations and other government instrumentalities are enjoined to give full support to the Committee and its various working Committee and to actively participate in said celebrations.

SEC. 4. Funding. The Secretary of Budget and Management is hereby directed to allocate the amount of THREE MILLION PESOS (P3,000,000.00) to support this activity. Concerned agencies may allocate such amount as may be necessary to defray the expenditures that maybe incurred from participation in the EDSA anniversary, subject to the usual accounting and auditing regulations.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 19th day of December, in the year of our Lord nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS

BY THE PRESIDENT:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1996). *[Administrative Order Nos.: 201 - 300]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 172-A

AMENDING ADMINISTRATIVE ORDER NO. 172 DATED DECEMBER 19, 1994, TO INCREASE THE NUMBER OF MEMBERS OF THE NATIONAL COMMITTEE FOR THE COMMEMORATION OF THE NINTH ANNIVERSARY OF THE FEBRUARY 22-25, 1986 EDSA REVOLUTION AND TO ENCOURAGE ALL NON-GOVERNMENT ORGANIZATIONS TO PARTICIPATE ACTIVELY IN THE CELEBRATION

WHEREAS, Administrative Order No. 172, created a National Committee for the commemoration of the 9th Anniversary of the February 22-25, 1986 EDSA Revolution;

WHEREAS, additional members must be included in the list of members to ensure more active participation of the private sector in the celebration.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Section 1 of Administrative Order No. 172, dated December 19, 1994, is hereby amended to include the following additional members in the Committee, to wit:

Representing the private sector:

- | | |
|----------------------------|-----------------------|
| 1. Mr. Miguel Perez-Rubio | 3. Mr. Johnny Manahan |
| 2. Monsignor Nico Bautista | 4. Mr. Rodolfo Reyes |

Representing the government sector:

1. Secretary Ricardo Gloria, Department of Education, Culture and Sports

Section 2. Section 3 of Administrative Order No. 172 is hereby amended to include the following provision:

All non-government organizations are hereby encouraged to participate actively in the commemoration of the 9th Anniversary of the EDSA Revolution.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of January, in the year of Our Lord Nineteen Hundred and Ninety Five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACANANG

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 173
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF
ALL THE BENEFITS UNDER THE LAW OF ASSISTANT CITY PROSECUTOR EDUARDO D.
RESURRECCION OF QUEZON CITY

This refers to the administrative complaint against Assistant City Prosecutor Eduardo D. Resurreccion of Quezon City for gross neglect of duty.

The records disclose the following:

In a letter-complaint dated 14 June 1994 of City Prosecutor Candido V. Rivera of Quezon City, herein respondent prosecutor, Eduardo D. Resurreccion, was formally charged and investigated for his failure to resolve eighty-seven (87) criminal cases assigned to and received by him for preliminary investigation within the prescribed sixty (60) days from date of assignment under Department Circular No. 49 series of 1993 which amended Department Circular No. 35, dated September 17, 1991. His pending and unresolved cases as of June 14, 1994 dated back as early as March 22, 1993 to April 14, 1994. The same are listed in a document denominated as "Report of Cases Which Have Remained Pending Beyond the 60-Day Period From The Date of Receipt By The Investigating Prosecutor", prepared and submitted to the Quezon City Prosecutor by Second Assistant City Prosecutor Ismael P. Casabar who is the Chief of the Prosecution Division of the Quezon City Prosecutor's Office.

Simultaneous with the issuance of the formal charge in the instant administrative case, respondent prosecutor was placed under preventive suspension for ninety (90) days without pay, pursuant to the provisions of Section 51, Chapter 7, Subtitle A, Title 1 Book V, of the Administrative Code.

Despite numerous opportunities accorded him to file his comment or answer to the administrative charge against him, Prosecutor Resurreccion failed to do so. During the formal investigation held on August 23, 1994, he offered no objection as to the existence and authenticity of complainant's pieces of evidence. Consequently, the case was submitted for resolution without controverting evidence from respondent prosecutor.

After due formal investigation, the Secretary of Justice found the following:

"Without doubt, Prosecutor Resurreccion has greatly neglected his duty to resolve the eighty-seven (87) criminal cases assigned to him for preliminary investigation. His failure to act on these cases beyond the prescribed period under Department Circular No. 35, series of 1991, as amended by Department Circular No. 49, series of 1993, betrays his inefficiency and unfitness to discharge the duty of a public prosecutor. The number of his pending cases is highly irregular and bespeaks of the seriousness of his omission which resultantly affects the administration of justice and depreciates the people's confidence in our justice system. To compound the gravity of his administrative negligence, respondent prosecutor has, to this day, failed to turn over the records of his unresolved cases

to the City Prosecutor of Quezon City despite respondent prosecutors' prior receipt of the corresponding directive from this Department to do so.

"There being no justification or explanation for his gross neglect of duty and in view of the enormity of his unresolved cases to date, he should be meted the penalty of dismissal from the service pursuant to Memorandum Circular No. 30, series of 1989, of the Civil Service Commission.

"WHEREFORE, finding respondent Eduardo D. Resurreccion guilty of the administrative offense of gross neglect of duty, it is hereby recommended that he be dismissed from the service with forfeiture of all benefits under the law."

In view of the foregoing, and as recommended by the Secretary of Justice, respondent Assistant City Prosecutor EDUARDO D. RESURRECCION is hereby dismissed from the service with forfeiture of all the benefits under the law.

Done in the City of Manila this 20th day of December, in the year of the Lord, nineteen hundred and ninety four.

SO ORDERED.

Manila, Philippines.

By Order of the President:
(Sgd.) **TEOFISTO T. GUINGONA, JR.**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1994). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 174

FURTHER AMENDING ADMINISTRATIVE ORDER NO. 160 ENTITLED “CREATING THE NATIONAL ORGANIZING COMMISSION FOR THE 1996 ASIA-PACIFIC ECONOMIC COOPERATION (APEC) MEETINGS AND PRESCRIBING ITS AUTHORITY AND FUNCTIONS”

Administrative Order No. 160 dated 5 December 1994, as amended, is hereby further amended so as to include the Secretary of Science and Technology in the National Organizing Commission (NOC) for the 1996 APEC Meetings and the Executive Committee created thereunder.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, Philippines, this 10th day of January, in the year of Our Lord, nineteen hundred and ninety five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 175
DELINEATING THE FUNCTIONS AND RESPONSIBILITIES OF AGENCIES INVOLVED IN
THE DEVELOPMENT AND MAINTENANCE OF A COMPUTER-BASED NATIONAL CRIME
INFORMATION SYSTEM (NCIS)

WHEREAS, Executive Order No. 386, dated 19 December 1989, mandates the establishment of an integrated computer-based National Crime Information System (NCIS) to provide comprehensive, adequate and timely information on crimes, criminals, and operations of the criminal justice system (CJS) and thereby ensure fair, efficient, and effective administration of justice and maintenance of law and order in the country;

WHEREAS, an NCIS Project Plan has been prepared by an NCIS Project Team headed by the National Police Commission;

WHEREAS, operationalization of the NCIS Project Plan requires phasing of project implementation into two phases with three-year time frames: Phase I (Metro Manila) and Phase II (nationwide); and

WHEREAS, the effective and efficient implementation of the NCIS requires a clear delineation of the roles and responsibilities of concerned agencies.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The National Police Commission shall continue to be the lead agency for the Project, as provided under Sec. 4 of Executive Order No. 386, and is hereby tasked with the following duties and responsibilities:

- a. Set-up and maintain the National Crime Information Center (NCIC) which shall serve as the nerve center of the computer network involving criminal justice agencies.
The NCIC shall operate initially on facilities to be provided by the Philippine National Police, to be manned by personnel assigned by the contracting agencies, and with the National Police Commission as the lead agency.
- b. Promulgate and implement policies and standards on data structure, access, control, authorization, monitoring, prioritization, collection, and other related activities for NCIS.
- c. Determine the system configuration and networking requirements for NCIS.
- d. Ensure effective coordination between and among NCIS agencies, as provided under Executive Order No. 386, series of 1989.
- e. Oversee the implementation of the NCIS as embodied in the NCIS Project Plan.

SEC. 2. The Philippine National Police, the National Bureau of Investigation, and the National Prosecution Service shall have the following duties and responsibilities:

- a. Ensure full and consistent compliance by their respective units with the utilization of the National Crime Reporting System (NCRS) Form No. 1.
- b. Formulate and conduct the necessary briefings/seminars/workshops to their respective personnel to ensure smooth implementation of the NCIS Project Plan.
- c. Prepare and submit to the NCIS Project Team a complete listing of all data/information to be shared and passed on to the NCIC and ensure their databases accuracy, reliability, timely provision and availability to NCIC users.
- d. Network with the NCIC and maintain the appropriate file back-up control mechanisms.
- e. Facilitate the flow of information to and from the regional offices through the respective agencies' computer centers.
- f. Plan, source out and provide the necessary financial resources and information technology resources to support the implementation of the aforementioned activities.

In addition, the Philippine National Police shall make available its data communication facilities and the appropriate data entry softwares for the NCRS criminal justice system data-capture forms to facilitate intra- and inter-agency communication and lateral coordination with other NCIS agencies.

SEC. 3. The National Computer Center shall provide the technical and management expertise necessary for the implementation and completion of the NCIS Project.

SEC. 4. All concerned agencies are hereby directed to provide full support in the operationalization of the NCIS.

The National Police Commission is also hereby directed to submit regular reports on the implementation of the NCIS to the National Information Technology Council created under Executive Order No. 190, dated 19 July 1994.

SEC. 5. The necessary funding for the implementation of the NCIS Project Plan shall be taken initially from the authorized appropriations of the concerned agencies and, for the succeeding years, shall be incorporated in the budget proposals of the agencies for congressional action.

SEC. 6. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 17th day of February, in the year of Our Lord Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 176
CREATING THE PRESIDENTIAL TASK FORCE BOULEVARD 2000

WHEREAS, the environmental quality of Manila Bay is rapidly deteriorating due to pollution from domestic, industrial and agriculture run-off and soil erosion and other factors such as inadequate treatment facilities, dumping of solid wastes in waterways, oil spillage, dynamite fishing, among others;

WHEREAS, the Presidential Task Force on Manila Bay Rehabilitation (PTFMBR) created through Administrative Order (A.O.) No. 87, series of 1993, has prepared a Comprehensive Plan for the Rehabilitation and Development of Manila Bay which recommends the integration of short- and long-term rehabilitation, development and reclamation programs and projects to address certain policy, planning and implementation issues;

WHEREAS, there is need for a more focused and detailed plan for the development of the Boulevard Reclamation Area with its environs and the acceleration of an integrated socio-economic development in keeping with the concept of sustainable development.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

Section 1. Creation of the Presidential Task Force Boulevard 2000. There is hereby created the Presidential Task Force Boulevard 2000 which shall be responsible for the preparation, integration and coordination of all development plans, projects and programs in the Boulevard Reclamation Area. This project shall be considered a priority infrastructure project.

Section 2. Composition. The Presidential Task Force Boulevard 2000 shall be chaired by the Secretary of the Department of Public Works and Highways (DPWH) and co-chaired by the Secretary of the Department of Environment and Natural Resources (DENR) with the General Manager of the Public Estate Authority (PEA) as Vice-Chairman. The Task Force shall be composed of the following as members:

National Economic and Development Authority
Department of Tourism
Department of Interior and Local Government
Department of Transportation and Communications
Department of Trade and Industry
Presidential Management Staff
Flagship Projects and Programs Committee
Housing and Urban Development Coordinating Council
Philippine National Bank
Government Service and Insurance System
Social Security System
Cabinet Officer for Regional Development for the National Capital Region
(CORD-NCR)
Cultural Center of the Philippines

National Parks and Development Committee
Philippine Gaming and Amusement Corporation
Philippine Ports Authority
Philippine National Police/Philippine Coast Guard
Office of Government Corporate Counsel
Chairman, Metro Manila Authority
Mayors of Manila, Pasay City, Parañaque and Las Piñas
Metropolitan Waterworks and Sewerage System
Five (5) Private Sector Representatives to be recommended by the Task Force
Chairman and appointed By the President

In addition, the Task Force shall regularly invite to its activities concerned public utilities, including PLDT and MERALCO.

Section 3. Powers, Functions and Responsibilities. The Task Force shall:

- a. Prepare, coordinate and integrate all reclamation and development programs and projects in the Boulevard Reclamation Area, for purposes of formulating an Integrated Master Development Plan (IMDP) based on the following guidelines:
 - o Protection of its ecological balance, enhancement of its environment and restoration of the area's natural beauty;
 - o Rational land-use and zonation scheme considering that the Boulevard Reclamation Area is a national treasure and an environmentally critical area;
 - o Provision for improved and adequate service infrastructure such as power, water, communications and waste treatment facilities especially in the coastal area;
 - o Provision of short-term and long-term strategies for tourism development, attracting business investment, social development and institutional building within the framework of local, regional and national development framework plans.
- b. Serve as a monitoring and information clearing-house/advisory body to the President on all existing and proposed reclamation and development programs and projects in the Boulevard Reclamation Area;
- c. Serve as the collaborative and coordinative mechanism for government and private sector activities to rehabilitate, develop and reclaim the Boulevard Area and resolve issues and concerns pertaining thereto;
- d. Conduct regular assessments of the status of reclamation and development efforts in the Boulevard Reclamation Area in coordination with the PTFMBR to ensure conformity with the Comprehensive Plan for the Rehabilitation and Development of the Manila Bay Area; and
- e. Perform such other functions and responsibilities as the President may direct.

In the discharge of its functions and responsibilities, the Task Force may call upon any government agency or instrumentality including local government units for assistance.

Section 4. Territorial Coverage. For the purpose of defining the territorial coverage of the Task Force, the Boulevard Reclamation Area covers the stretch of Roxas Boulevard-Cultural Center of the Philippines up to the Coastal Road-Las Piñas area, including its shorelines.

Section 5. Technical and Secretariat Support. The PEA shall provide technical and secretariat support and shall also serve as the Program Management Office of the Task Force.

Section 6. Funding. The funds necessary for the implementation of this Administrative Order shall be sourced by the Department of Budget and Management in coordination with the Task Force.

Section 7. Repealing Clause. All Presidential issuances or part/s thereof inconsistent with this Order are hereby repealed or modified accordingly.

Section 8. Effectivity. This Administrative Order shall take effect immediately. The IMDP for the Boulevard 2000 shall be submitted to the President within 180 days upon the signing of this Administrative Order. The Task Force shall recommend its dissolution subject to the approval of the President.

DONE in the City of Manila, this 24th day of February, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 177
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE
OF ALL THE BENEFITS UNDER THE LAW OF BUREAU OF IMMIGRATION DEPUTY
COMMISSIONER BAYANI M. SUBIDO, JR.

This is an administrative case filed by Mr. Merlin J. Argos against Deputy Commissioner Bayani M. Subido, Jr. of the Bureau of Immigration for violations of the Anti-Graft and Corrupt Practices Act and the Code of Ethical Standards for Public Officials and Employees for allegedly issuing a Special Work Permit (SWP) in favor of Mr. John David Mitchell, an Australian national not legally entitled thereto.

In its Resolution, the Presidential Commission Against Graft and Corruption (Commission) found the following:

“The evidence on record shows that John David Mitchell, an Australian national was indeed issued by respondent a Special Work Permit (SWP No. BS-94-936) dated February 17, 1994, valid for three (3) months; and an extension thereof (SWP No. BS-94-988). There is no question that both SWP’s were signed and issued by respondent.

“Pursuant to Personnel Order No. 452 dated January 21, 1994, issued by Commissioner Zafiro H. Respicio of the BID, it appears that respondent was not authorized to issue SWP’s. In the said Order, the authority to issue SWP’s was granted therein only to Atty. Regino S. Santiago x x x.

“But even granting that respondent indeed had authority to issue SWP’s, the issuance of SWP’s to John David Mitchell was made under highly suspicious circumstances and the evidence on record shows that the issuance of the same by respondent was irregular.

“In a memorandum dated June 28, 1994 regarding the complaint for deportation of Mitchell, which was addressed to Commissioner Zafiro Respicio of the BID, Atty. Ronald G. Deray, Legal Officer I of the BID, reported that after an investigation conducted, he found x x x irregularities surrounding the issuance of the SWP’s x x x.

“Moreover, Law Instruction No. 20 dated 4 May 1988 by then BID Commissioner Miriam Defensor Santiago provides that before the Law Division processes the application (for a special work permit), or before the Commissioner’s Office releases the permit, the applicant shall file the CID cashier’s receipt for the sum of ₱300.00, plus an overtime fee of ₱200.00. The evidence of the respondent shows that the application was filed on 17 February 1994; the permit was released on the same day but the payment was made only on 23 February 1994 or six (6) days after its release. Moreover, respondent failed to submit any evidence to prove

that payment was made for the extension of Mitchell's special work permit on 13 May 1994 x x x.

"Finally, it should be noted that special work permits are issued to aliens - temporary visitors - who come to the Philippines for business. The business must be commercial, industrial or professional in character, but does not include coming for employment, or for clerical or manual work (Law Instruction No. 27, May 25, 1988, BID Commissioner Miriam Defensor Santiago). In the case of John David Mitchell, he was employed with Givaudan Toure (Phils.) from January to December 1993 and as General Manager, Fragrance Division, International Flavors and Fragrances (Phils.), Inc., in January 1994 up to the filing of the complaint for his deportation sometime in April 1994. Mitchell was, therefore, not qualified for any Special Work Permit. What made matters worse was that despite the pendency of a complaint for summary deportation against Mitchell filed sometime in April 1994, respondent, on 13 May 1994 issued an extension of Mitchell's special work permit. Respondent's acts were in violation of the internal rules and procedures of the BID and of Section 3 (j) of the Anti-Graft and Corrupt Practices Act (R.A. 3019) which provides:

'Section 3. Corrupt Practices of Public Officers. In addition, x x x

j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, or a mere representative or dummy of one who is not so qualified or entitled.'

"ACCORDINGLY, the Commission finds respondent Deputy Commissioner Bayani M. Subido, Jr. of the Bureau of Immigration and Deportation (BID) guilty of violation of Section 3 (j) of R.A. 3019; of violation of the internal rules of the BID, and of acting without and/or with grave abuse of authority, and with evident bad faith in issuing special work permit to an Australian national, John David Mitchell, who was not entitled thereto and in order to frustrate the efforts of the BID to cause the investigation and summary deportation of said John David Mitchell for violation of labor laws."

After a review of the evidence on record, this Office concurs with the findings of the Commission.

Pursuant to Personnel Order No. 452, respondent herein was not authorized to issue Special Work Permits. Said Order, as certified to by the Personnel Officer of the Bureau of Immigration last September 30, 1994, has not been revoked, amended or superseded and remains to be valid as of said date. This notwithstanding, respondent issued a Special Work Permit to Mr. John David Mitchell and even extended the same upon its expiration. Moreover, as admitted by respondent himself, he had, as of July 8, 1994, issued 1,011 Special Work Permits.

It is worthwhile to point out too that part of the records of this case is a letter dated May 31, 1994 sent by Atty. Alfonso N. Navarro, Chief, Law and Investigation Division (LID), of the Bureau of Immigration, to Atty. Ronaldo P. Ledesma, Resident Ombudsman of the said Bureau, stating in detail the procedure for the filing and processing of special work permit, to wit:

X X X

“The following is the procedure for the filing and processing of special work permit (SWP):

1. Receipt of application and its attachment for SWP with derogatory clearance by the Bureau’s Receiving Unit at rm. 202
2. Receipt of application from rm. 202 by Ms. Doris Sipin, LID, for raffle to Legal Officer/Special Investigator
3. Raffle of application to assigned Legal Officer/Special Investigator
4. Transmittal of application to assigned Legal Officer/Special Investigator
5. Processing by assigned Legal Officer/Special Investigator
6. Transmittal of application with recommendation of assigned Legal Officer/Special Investigator to the Chief, LID, for screening
7. Transmittal of application to Approving Official of the Bureau.”

However, as can be gleaned from the handwritten note dated May 31, 1994 of Ms. Doris Sipin of the Law and Investigation Division, attached to the above-quoted letter, there is no record in the said Division of any application of SWP of one John David Mitchell received by LID between January and February 1994.

Moreover, in a letter dated May 20, 1994 also addressed to Atty. Ronaldo P. Ledesma, Ms. Maria Bella J. Estrada, Record Officer III of the Bureau of Immigration stated that as of said date, they have no record of Special Work Permit No. BS-94-936 issued to John David Mitchell.

The non-compliance of the above procedures not only shows respondent’s violation of the Bureau’s rules and regulations but also indicates irregularities in the issuance of the Special Work Permit in favor of Mr. Mitchell.

It must be stressed that respondent is a Deputy Commissioner of the Bureau of Immigration. Holding such a high position, he should know or at least he is presumed to know all the rules and regulations of the Bureau which he is tasked to enforce and implement. As Deputy Commissioner, he is expected to strictly abide with these rules and regulations.

IN VIEW OF THE FOREGOING, and as recommended By the Presidential Commission Against Graft and Corruption, respondent **Deputy Commissioner Bayani M. Subido, Jr.** is hereby **DISMISSED** from the service for violation of Section 3 (j) of R.A. 3019 and of the internal rules and regulations of the Bureau.

Let the Office of the Ombudsman, which is investigating the criminal aspect of this case, be furnished a copy of this Administrative Order.

SO ORDERED.

Done in the City of Manila, this 28th day of February, in the year of Our Lord, nineteen hundred and ninety five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 178
CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE COMMEMORATION
OF THE 50TH ANNIVERSARY OF THE LANDING IN ZAMBOANGA CITY ON
MARCH 10-11, 1995

WHEREAS, March 10-11, 1995, marks the 50th Anniversary of the Landing in Zamboanga City, which was part of the effort to liberate the Philippines from the Japanese occupation during the World War II;

WHEREAS, this event should be appropriately observed to promote, preserve and memorialize the principles, ideals, and deeds of Filipino military veterans as a means of enhancing patriotism and love of country, especially among the youth of the land;

WHEREAS, the commemoration of this event should be focused on the values of freedom and lasting peace for which Filipino war veterans fought valiantly, many of whom paid the ultimate sacrifice;

WHEREAS, there is a need to coordinate all activities that are envisioned to foster nationalism among Filipinos, particularly with that of the National Centennial Commission, which was created pursuant to Executive Order No. 128, dated October 4, 1993, to act as the principal coordinator for all activities related to the Centennial Celebrations of the Philippine Independence.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a National Executive Committee. There is hereby constituted a National Executive Committee on the Commemoration of the 50th Anniversary of the Landing in Zamboanga City hereinafter referred to as the Committee, to be composed of the following:

- (1) The Secretary of National Defense, as Chairman;
- (2) The Secretary of Tourism, as Vice-Chairman;
- (3) The Secretary of Foreign Affairs;
- (4) The Secretary of Education, Culture and Sports;
- (5) The Secretary of Interior and Local Government;
- (6) The Secretary of Transportation and Communications;
- (7) The Secretary of Public Works and Highways;
- (8) The Secretary of Budget and Management;
- (9) The Secretary of Environment and Natural Resources;
- (10) The Secretary of Finance;
- (11) Press Secretary;
- (12) Chief of Staff, Armed Forces of the Philippines;
- (13) Chief, Philippine National Police;
- (14) Administrator, Philippine Veterans Affairs Office;

- (15) Chairman, National Historical Institute;
- (16) Governor, Province of Zamboanga;
- (17) Mayor, City of Zamboanga;
- (18) President, Veterans Federation of the Philippines;
- (19) National President, Boy Scouts of the Philippines;
- (20) National President, Girl Scouts of the Philippines;
- (21) Chief, Military Shrines Service;
- (22) President, Sons and Daughters of Veterans, Inc.;
- (23) Representatives of Non-Governmental Organizations

SEC. 2. Functions of the Committee. The Committee shall take charge of the preparations for the 50th Anniversary of the Landing in Zamboanga City on March 10-11, 1995. For this purpose, it shall have the following functions:

- (a) Formulate all the programs, projects, and activities that shall be conducted in observance of the 50th Anniversary of the Landing in Zamboanga City;
- (b) Prepare the implementing guidelines for all the programs, projects, and activities that shall be undertaken for the commemoration;
- (c) Orchestrate and coordinate the implementation of all the programs, projects and activities that shall be undertaken for the commemoration;
- (d) Source funds and prepare the budget that shall be required by the Committee in the discharge of its functions; and
- (e) Perform other tasks as may be given By the President.

SEC. 3. Operational Relationships. In the conduct of all programs, projects, and activities in the observance of the 50th Anniversary of the Landing in Zamboanga City, the Committee shall coordinate with the National Centennial Commission.

The Committee is also authorized to call upon the assistance of any department, bureau, agency, office, and other instrumentality of the Government, as well as invite non-governmental organizations as it may deem necessary in the performance of its functions.

SEC. 4. Creation of Sub-Committees. The Committee may form sub-committees as it may deem necessary to effectively carry out its duties and responsibilities.

SEC. 5. Technical and Secretariat Support. The Department of National Defense shall provide technical, secretariat and administrative support to the Committee.

SEC. 6. Funding. Funds necessary to carry out the provisions of this Administrative Order shall be taken from the respective appropriations of the concerned agencies.

SEC. 7. Effectivity. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 3rd day of March, in the year of Our Lord, nineteen hundred and ninety five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 179
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE OF ASSISTANT PROVINCIAL
PROSECUTOR JESUS D. AGPAWA OF PAMPANGA

This refers to the Administrative complaint against Assistant Provincial Prosecutor Jesus D. Agpawa of Pampanga for gross neglect of duty, gross incompetence and inefficiency, violation of Department of Justice Circular Nos. 35 and 49, series of 1991 and 1993, respectively, gross insubordination, and professional absenteeism.

Records disclose that by virtue of administrative complaints filed before his office by Leonila Castro and Mario Palad sometime in March 1994, Provincial Prosecutor Andres F. Pangilinan issued a memorandum directing Prosecutor Agpawa to explain why no administrative action should be filed against him for his failure to resolve I.S. No. 93-765 (Leonila Castro vs. Engracia Palo, et al., for estafa) and I.S. No. 93-364 (Mario Palad vs. Rustico Manalo, et al.,) within a period of sixty (60) days as prescribed under Department (of Justice) Circular No. 49 dated July 14, 1993. I.S. No. 93-364 and I.S. No. 93-765 were assigned to respondent prosecutor on June 16, 1993 and October 12, 1993, respectively. When Prosecutor Agpawa ignored Prosecutor Pangilinan's directive, and continued to refuse and fail to resolve the subject cases, the latter issued another memorandum directing him to return the said cases for reassignment to another prosecutor. Thereafter, he was charged administratively with the Department of Justice. Respondent prosecutor ignored this Department's directive for him to answer the present complaints.

During the formal investigation, Prosecutor Agpawa neither filed any controverting evidence nor appeared before the investigating prosecutor despite due notice. However, it was therein disclosed by Prosecutor Pangilinan that there were sixty (60) cases assigned to respondent prosecutor for preliminary investigation that remain unresolved, out of which one (1) was assigned to him as early as July 8, 1992. Respondent prosecutor never made any formal or official request for extension of time within which to resolve the cases assigned to him. Worst, he even stubbornly failed and refused to comply with the several memoranda issued to him requiring him to resolve the pending cases. It was, likewise, revealed that respondent was a professional absentee who reported to the office only to collect his pay envelope although he had never filed any application for an official leave of absence. Respondent was also facing several contempt charges before the Regional Trial Court in Pampanga, Branch 55, where he was assigned as public prosecutor, for his repeated tardiness and frequent unexplained absences during court sessions.

After formal investigation, the Department of Justice found Prosecutor Agpawa administratively liable for gross neglect of duty and, thus, recommended that he be dismissed from the service with forfeiture of his accrued leave credits and retirement benefits.

We agree.

Without doubt, Prosecutor Agpawa had greatly neglected his duty to resolve sixty (60) criminal cases assigned to him for preliminary investigation/reinvestigation. His failure to act on these cases within and beyond the prescribed period under Department Circular No. 35, dated September 17,

1991, as amended by Department Circular No. 49, dated July 14, 1993, betrays his inefficiency and unfitness to discharge the duty of a public prosecutor. The number of his pending and overaged cases is highly irregular and bespeak of the seriousness of his omission which resultantly affects the administration of justice and depreciates the people's confidence in our justice system. To compound the gravity of his administrative negligence, he has unabashedly exhibited contumacious conduct toward his superiors when he ignored the pertinent directives to him to convey and make known his explanation on his neglect.

There being no justification or explanation for his gross neglect of duty and in view of the enormity of his unresolved cases to date, he should be meted the penalty of dismissal from the service pursuant to Memorandum Circular No. 30, series of 1989, of the Civil Service Commission.

Wherefore, finding respondent Jesus D. Agpawa guilty of the administrative offense of gross neglect of duty, he is hereby ordered dismissed from the service with forfeiture of all benefits under the law.

DONE in the City of Manila, this 20th day of March, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 180
INCREASING THE NUMBER OF THE MEMBERS OF THE BOARD OF THE TECHNICAL
EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) UNDER REPUBLIC
ACT NO. 7796

WHEREAS, Section 7 of Republic Act No. 7796, otherwise known as the TESDA Act of 1994, provides that the TESDA Board shall be composed of the following:

“The Secretary of Labor and Employment	–	Chairperson
Secretary of Education, Culture and Sports	–	Co-Chairperson
Secretary of Trade and Industry	–	Co-Chairperson
Secretary of Agriculture	–	Member
Secretary of the Interior and Local Government	–	Member
Director-General of the TESDA Secretariat	–	Member

“In addition, the President of the Philippines shall appoint the following members from the private sector: two (2) representatives, from the employer/industry organization, one of whom shall be a woman; three (3) representatives from the labor sector, one of whom shall be a woman; and two (2) representatives of the national associations of private technical-vocational education and training institutions, one of whom shall be a woman. As soon as all the members of the private sector are appointed, they shall so organize themselves that the term of office of one third (1/3) of their number shall expire every year. The members from the private sector appointed thereafter to fill vacancies caused by expiration of terms shall hold office for three (3) years.”

WHEREAS, the President, pursuant to the same Section of the TESDA Act of 1994, is authorized to “revise the membership of the TESDA Board, whenever the President deems it necessary for the effective performance of the Board’s functions through an administrative order;”

WHEREAS, during the regional consultations on the preparation of the Implementing Rules and Regulations of the TESDA Act of 1994 held in November 1994 wherein all sectors were represented, there was a clamor for increasing the number of members of the TESDA Board, more particularly the private sector involved in technical education and skills development; and

WHEREAS, the President finds it necessary, for the effective performance of the TESDA Board’s functions, to revise the composition of the Board.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The composition of the TESDA Board as provided in Section 7 of Republic Act No. 7796 shall be revised to include the following additional members:

- a. The Secretary of Science and Technology as an *ex-officio* member;
- b. Two (2) additional members from the employer/industry organization; and
- c. Three (3) additional members from the labor sector.

Section 2. This Administrative Order shall take effect upon its publication in a newspaper of general circulation.

DONE in the City of Manila, this 20th day of March, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 181
AMENDING ADMINISTRATIVE ORDER NO. 109

WHEREAS, Administrative Order No. 109, series of 1994, provides for the creation of an ad hoc intra-departmental body to be known as the Presidential Committee on Flagship Programs and Projects to be composed of a Chairman and seven (7) Members;

WHEREAS, in view of the broad mandate of the committee and the need for a Vice Chairman to assist the Chairman in the efficient and timely implementation of the flagship programs and projects, it is imperative that the Membership of the Committee be increased to include a Vice-Chairman;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue and powers vested in me by law, do hereby order:

Section 1. Section 2 of Administrative Order No. 109 is hereby amended to read as follows:

“Section 2. Composition The Committee shall be composed of the following:

Presidential Adviser Emilio M. R. Osmeña	–	Chairman
Presidential Consultant Ramon Jacinto	–	Vice-Chairman
Secretary, Department of Budget & Management	–	Member
Secretary, Department of Public Works and Highways	–	Member
Secretary, Department of Transportation and Communication	–	Member
Secretary, Department of Agriculture	–	Member
Secretary, Department of Trade and Industry	–	Member
Secretary, Department of Tourism	–	Member
Director-General, National Economic and Development Authority	–	Member

Section 2. This Administrative Order shall take effect immediately

Done in the City of Manila, this 22nd day of March, in the Year of Our Lord, Nineteen Hundred and Ninety Five.

(Sgd.) **FIDEL V. RAMOS**

By the President:
(Sgd.) **TEOFISTO T. GUINGONA, JR.**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 182
ESTABLISHING AN ASSISTANCE-TO-NATIONALS TASK FORCE AND PROVIDING
FUNCTIONAL GUIDELINES THEREFOR

WHEREAS, recent Philippine migration realities require a more comprehensive program of action to address attendant issues and concerns;

WHEREAS, the Philippine Government is firmly committed to promoting the well-being and protecting the interests of overseas Filipinos;

WHEREAS, existing problems and difficulties confronting Filipino migrants require more pronounced and integrated assistance from various agencies of government as embodied in the “country-team” approach per Executive Order No. 74;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. CREATION OF AN ASSISTANCE-TO-NATIONALS TASK FORCE. An Assistance-To-Nationals Task Force is hereby created and shall consist of representatives from the following:

Department of Foreign Affairs	–	Chairman
Department of Labor and Employment	–	Co-Chairman
Department of Justice	–	Member
Department of Health	–	Member
Department of Social Welfare and Development	–	Member
Philippine Overseas Employment Administration	–	Member
Overseas Workers Welfare Administration	–	Member
Commission on Filipinos Overseas	–	Member
National Bureau of Investigation	–	Member
National Commission on the Role of Filipino Women	–	Member
Commission on Human Rights	–	Member
Private Sector - Four (4) to be designated	–	Members

The government agencies enumerated herein shall designate permanent representatives to the Committee, with a rank not lower than that of an Assistant Secretary.

The Task Force may call upon other agencies of the government to provide necessary support and assistance in its work.

SECTION 2. FUNCTIONS OF THE TASK FORCE. The Assistance-to-Nationals Task Force shall have the following functions:

1. Develop and implement an integrated program of government that will address the various concerns and problems resulting from migration'
2. Develop a mechanism to ensure effective coordination among various agencies of government to provide solutions to illegal recruitment and the exploitation of highly vulnerable groups of migrants;
3. Develop and implement a continuing information and community education program to ensure the effective dissemination of information related to migration;
4. Establish policies for the effective data base management on migration statistics and assistance-to-nationals cases;
5. Review and develop policies to promote the welfare and interests of Filipino migrants;
6. Coordinate with the private sector and international organizations, through the appropriate agencies of the government, with the view of establishing a support network for Filipino nationals.

SECTION 3. FREQUENCY OF MEETINGS. The Assistance-To-Nationals Committee shall meet at least twice a month or as often as necessary to discuss various concerns affecting Filipino natives and to develop and implement interventions to address them.

SECTION 4. SUPPORT STRUCTURES AND FUNDING. The various heads of agencies represented in the Assistance-To-Nationals Task Force shall ensure the establishment or designation of focal units within their respective agencies to ensure a continuing support mechanism for the Assistance-To-Nationals Task Force. The designated focal units shall ensure that internal resources are available within their respective agencies to effectively carry out the tasks provided for in this order. The Commission on Filipinos Overseas shall provide Secretariat support to this Committee. The initial amount of Five Million Pesos (₱5,000,000) from the President's Contingent Fund is hereby released and authorized to be expended to carry out the functions of the Task Force.

SECTION 5. EFFECTIVITY. The Administrative Order shall take effect immediately.

Done in the City of Manila, this 6th day of April, in the year of our Lord, nineteen hundred and ninety-five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 183

**DISMISSING FROM THE SERVICE ASSISTANT REGIONAL DIRECTOR JAIME VEGA
QUITAIN, NATIONAL POLICE COMMISSION, REGIONAL OFFICE NO. 11**

This refers to the administrative complaint against Jaime Vega Quitain, Assistant Regional Director, National Police Commission (NAPOLCOM), Regional Office No. 11, Davao City, for Grave Misconduct, (Violation of Art. 48, in relation to Arts. 171 and 217 of the Revised Penal Code and Art. IX of the Civil Service Law) filed by the NAPOLCOM.

The antecedent facts, as found by the NAPOLCOM in its decision of February 17, 1994, are as follows:

“That sometime on April 18, 1991, respondent in his capacity as the Acting Regional Director, Napolcom Regional Office No. 11, caused the preparation and processing of Disbursement Voucher No. 91-0400252 for the purpose of liquidating the cash advance for miscellaneous expenses incurred in preparation for the visit to the Region of the then DILG Secretary and Chairman, Napolcom Luis Santos and his party in the total amount of P1,500.00. In support of the said voucher, respondent submitted a Report of Disbursement covering the expenses incurred from April 1 to 31, 1991. Included in the said report and the voucher is an original receipt of payment No. 36027 dated April 14, 1991 for meals taken from Barrio Gaisano, a local eatery located at Davao City purportedly in the amount of P1,365.72. The said Report of Disbursement was certified to be true and correct by respondent. After the preparation and processing of the aforesaid voucher, the same was approved for payment by respondent in his capacity as the Acting Regional Director. Accordingly, respondent was issued Land Bank Check No. 066674 dated April 12, 1991 in the amount of P1,500.00 which he himself encashed.

“Similarly, on June 17, 1991, respondent again caused the preparation and processing of another Disbursement Voucher No. 91-0600471 for reimbursement of miscellaneous expenses incurred in line with information dissemination on PLEB’s organization in the amount of P3,087.41. In support of the said voucher, respondent submitted a Summary of Expenses incurred covering the period of June 16, 1991 to September 8, 1991. This Summary of Expenses was likewise certified to by respondent. Included in the said summary and that of the voucher is an original receipt of payment No. 36363 dated June 19, 1991 issued by Barrio Gaisano eatery purportedly in the amount of P869.36. After the preparation and processing of the aforesaid voucher, the same was approved for payment by respondent and was accordingly issued Land Bank Check No. 084128 dated June 17, 1991 in the amount of P3,087.41 which he himself encashed.

“When both transactions were submitted to the COA Resident Auditor for post-audit, the latter after due verification from the Barrio Gaisano eatery discovered that the amounts paid for by respondent under Receipts No. 36027 and No. 36363 were not P1,356.72 and P869.36 but 356.72 and P269.36, respectively, as evidenced by the duplicate originals of the same receipts and confirmed by cash registry tapes, both in the possession of the said eatery. As a result thereof, the COA Resident Auditor was constrained to disallow the difference between the purported amounts paid to respondent and the true amounts as evidenced by the duplicate original receipts of payment, hence, the complaint.

“In his answer, respondent vehemently denied that he tampered or falsified Official Receipts No. 36363 and 36027 in the amounts of P269.30 and P365.72, respectively. He alleged that it has been his practice that receipts for all reimbursable amounts are given by him to the Accounting Division who prepares the necessary documents as the basis for reimbursement; that it is probable that certain persons in his office who had been the subject of administrative investigation conspired to alter certain receipts which had been submitted to the Accounting Division to make it appear that he falsified said receipts although in truth and in fact, he had not made any alterations on any receipts submitted for reimbursement; that when the documents for reimbursement were submitted to him, he did not check the attached receipts nor the figures appearing thereon nor his attention was called to the amendment or alterations appearing in the receipts mentioned in the complaint.

“After the issues were joined with the filing of respondent’s answer, the Ad Hoc Committee created pursuant to Letter-Memorandum dated January 7, 1993 of the Office of the President conducted the formal investigation of the administrative case. The prosecution presented testimonial as well as documentary evidences. Julie Catalan, Communication/Equipment Operator II, Napolcom Regional Office No. 11 testified that she was instructed by respondent to prepare reimbursement voucher in the amount of P1,500.00 an amount written on a piece of paper given to her by receipt or document was attached to the said voucher; that after the preparation, she gave the voucher to the respondent.

“Elisa Lim, the Secretary of the respondent testified that she too was instructed by respondent to prepare reimbursement voucher in the amount of P3,087.41, an amount written on a piece of paper; that no document is attached to the voucher; that after affixing her signature above the words ‘Prepared By’, she gave the voucher to respondent.

“Aurora G. Lara, COA Unit Auditor at the Napolcom Regional Office No. 11 testified that while post-auditing the two (2) transactions (Vouchers No. 91-0400252 and No. 91-0600471), she noticed a tail on the number 8 on the original receipt No. 36363 in the amount of P869.30; that she immediately issued a confirmation letter to Barrio Gaisano eatery to confirm her suspicion that there was tampering on the amount indicated in receipt No. 36363; that said eatery issued a confirmation by sending the duplicate original of the same receipt showing the amount of P269.30; that said amount was likewise confirmed by the cash register tape from the said establishment; that the original receipt of

payment No. 36027 in the amount of P1,365.72 was likewise confirmed by Barrio Gaisano eatery per duplicate original receipt No. 3607 in the amount of P365.72, which amount was further confirmed by the cash register tape; that because of the tampering of the two (2) original receipts of payment, she disallowed the difference therefrom; that she included the said incident in her Annual Audit Report which she submitted to the Napolcom Central Office which became the basis of the complaint.

“Upon the other hand, respondent waived his right to present evidence in support of his defense.”

In the same decision, the NAPOLCOM, reiterating the report of the Ad Hoc Committee, made the following evaluation and recommendation:

“In its Report of Investigation, the AD Hoc Committee ruled as follows:”

‘From all the foregoing, we find the charges leveled against herein respondent fully substantiated by the evidence on record. His defense that the receipts could have been altered/falsified by certain persons in his office who may be facing administrative charges at respondent’s own initiative is not impressed with merit. It cannot be denied that it was respondent himself who requested for reimbursement of O.R. No. 36027 dated April 14, 1991 (Exhibit “D”) and it was also upon his direction and approval that Disbursement Voucher No. 0400252 dated April 18, 1991 (Exhibit “F”) which reflected and falsified amount from P365.72 to P1,365.72 was prepared and encashed by the respondent.

‘It is also undisputed that it was respondent himself who submitted thru the usual channels O.R. No. 36363 dated May 19, 1991 (Exhibit “C”) and included the same in his Summary of Expenses (Exhibit “J”) which reflected the falsified amount from P269.39 to P869.39. Disbursement Voucher No. 91-060047 dated June 17, 1991 (Exhibit “H”) was thereafter prepared and approved by the respondent and included in LBP Check No. 084128 dated June 17, 1991 (Exhibit “I”) which was encashed by respondent.

‘All the foregoing indubitably prove that it was respondent and he alone who was responsible for the alteration of the receipts clearly with intent gain, respondent’s pretense of innocence notwithstanding. Besides, respondent’s own failure to adduce controverting evidence in support of his defense, if any, must necessarily militate the truth of his allegations as reflected in his answer.’

“After a judicious examination of the evidentiary records, and respondent’s failure to adduce evidence in support of his defense, we find substantial evidence to hold respondent administratively culpable. Being a public officer and having altered or falsified the amounts reflected in the two (2) original receipts of payment, thus, making intercalation which changed the meaning of the genuine documents, respondent is clearly guilty of falsification as defined under Article 171 of the Revised Penal Code.

“WHEREFORE, premises considered, Director Jaime V. Quitain is hereby found guilty as charged. However, considering that he is a presidential appointee and, therefore, falls within the jurisdiction of the President, this Commission hereby recommends that said respondent be held administratively accountable for ‘Grave Misconduct’ and, correspondingly, be penalized by dismissal from the service, with forfeiture of all benefits due him under the law.”

After circumspect study, I am in complete accord with the above findings and recommendation of the NAPOLCOM.

It was established that the falsification could not have been consummated without respondent’s direct participation, as it was upon his direction and approval that disbursement vouchers were prepared showing the falsified amount. The subsequent endorsement and encashment of the check by respondent only shows his complete disregard for the truth which *per se* constitutes misconduct and dishonesty of the highest order. By any standard, respondent had manifestly shown that he is unfit to discharge the functions of his office. Needless to stress, a public office is a position of trust and public service demands of every government official or employee, no matter how lowly his position may be, the highest degree of responsibility and integrity and he must remain accountable to the people. Moreover, his failure to adduce evidence in support of his defense is a tacit admission of his guilt. Let this be a final reminder to him that the government is serious enough to weed out misfits in the government service, and it will not be irresolute to impose the severest sanction regardless of personalities involved. Accordingly, respondent’s continuance in Office becomes untenable.

WHEREFORE, and as recommended by the NAPOLCOM, Assistant Regional Director Jaime Vega Quitain is hereby **DISMISSED** from the service, with forfeiture of pay and benefits, effective upon receipt of a copy hereof.

Done in the City of Manila, this 10th day of April, in the year of Our Lord, nineteen hundred and ninety-five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 184

CREATING A SPECIAL COMMITTEE TO INVESTIGATE THE ADMINISTRATIVE CHARGES RECOMMENDED BY THE PRESIDENTIAL FACT-FINDING AND POLICY ADVISORY COMMISSION ON THE PROTECTION OF OVERSEAS FILIPINOS (GANCAYCO COMMISSION) AGAINST CERTAIN GOVERNMENT OFFICIALS OF THE DEPARTMENT OF FOREIGN AFFAIRS AND THE DEPARTMENT OF LABOR AND EMPLOYMENT, IN CONNECTION WITH THE DELIA MAGA-FLOR CONTEMPLACION CASE

SECTION 1. A Special Investigating Committee is hereby created to investigate the administrative charges for negligence, inefficiency and incompetence in violation of Sections 46 b(3) and (8), Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987 and Section 4(c) and (e) and 5(a) of Republic Act No. 6713, entitled “Code of Conduct and Ethical Standards for Public Officials and Employees,” pursuant to the recommendation of the Presidential Fact-Finding and Policy Advisory Commission on the Protection of Overseas Filipinos, against the following:

1. AMBASSADOR ALICIA RAMOS
2. CONSUL GENERAL ELIZABETH BUENSUCESO
3. CONSUL REYNALDO CATAPANG
4. LABOR ATTACHE JOSE BUSTALINO
5. LABOR ATTACHE ABRAHAM MALLI
6. LABOR ASSISTANT AURORA NAVARRO
7. WELFARE OFFICER ANNIE ISRAEL
8. WELFARE OFFICER JOSEPHINE SANCHEZ

SEC. 2. The investigating committee shall be composed of:

USEC PRESBITERO VELASCO	–	Chairman
DIR. VICENTE A. GALANG	–	Member
CSP NILO MARIANO	–	Member
SP CARIDAD M. JUNIO	–	Member
DIR. GREGORIO L. MANALIGOD, JR.	–	Member
DIR. EDMUND DANTE E. JANDA	–	Member

SEC. 3. The Committee is hereby granted all the powers and prerogatives of an investigating committee under the Administrative Code of 1987, including the power to summon witnesses, administer oaths, and take testimony or evidence relevant to the investigation by subpoena ad testificandum and subpoena duces tecum.

SEC. 4. In the performance of its duties and functions, the Committee is hereby empowered to call upon and secure the assistance of any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, or any of its officials or employees.

SEC. 5. The Committee shall be assisted by a Secretariat that shall provide administrative and technical support.

SEC. 6. Expenses of the Committee shall be charged to the regular budget of the Office of the President.

SEC. 7. The Committee shall conduct the investigation in the most expeditious manner, terminate the same and submit its report and recommendation to the President, through the Executive Secretary, on or before April 30, 1995.

DONE in the City of Manila, Philippines, this 10th day of April, in the year of Our Lord, nineteen hundred and ninety-five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 185
CONSTITUTING A NATIONAL EXECUTIVE COMMITTEE FOR THE COMMEMORATION
OF THE 50TH ANNIVERSARY OF THE BATTLE OF IPO DAM IN NORZAGARAY, BULACAN
ON 19 MAY 1995

WHEREAS, 19 May 1995 marks the 50th Anniversary of the Battle of Ipo Dam, which was part of the effort to liberate the Philippines from the Japanese occupation during the World War II;

WHEREAS, this event should be appropriately observed to promote, preserve and memorialize the principles, ideals and deeds of Filipino military veterans as a means of enhancing patriotism and love of country, especially among the youth of the land;

WHEREAS, the commemoration of this event should be focused on the values of freedom and lasting peace for which Filipino war veterans fought valiantly, many of whom paid the ultimate sacrifice;

WHEREAS, there is a need to coordinate all activities that are envisioned to foster nationalism among Filipinos, particularly with that of the National Centennial Commission, which was created pursuant to Executive Order 128, dated 4 October 1993, to act as the principal coordinator for all activities related to the Centennial Celebrations of the Philippine Independence.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a National Executive Committee. There is hereby constituted a National Executive Committee on the Commemoration of the 50th Anniversary of the Battle of Ipo Dam hereinafter referred to as the Committee, to be composed of the following:

- (1) The Secretary of National Defense, as Chairman;
- (2) The Secretary of Public Works and Highways, as Vice-Chairman;
- (3) The Secretary of Tourism
- (4) The Secretary of Education, Culture and Sports;
- (5) The Secretary of Interior and Local Government;
- (6) The Secretary of Transportation and Communications;
- (7) The Secretary of Budget and Management;
- (8) Press Secretary;
- (9) Chief of Staff, Armed Forces of the Philippines;
- (10) Chief, Philippine National Police;
- (11) Administrator, Philippine Veterans Affairs Office;
- (12) Chairman, National Historical Institute;
- (13) Director, Philippine Information Agency;
- (14) Governor, Province of Bulacan;
- (15) Mayor of Norzagaray, Bulacan;

- (16) President, Veterans Federation of the Philippines;
- (17) National President, Boy Scouts of the Philippines;
- (18) National President, Girl Scouts of the Philippines;
- (19) Chief, Military Shrines Service;
- (20) President, Sons and Daughters of Veterans, Inc.;
- (21) Representatives of Non-Governmental Organizations

SECTION 2. – Functions of the Committee. The Committee shall take charge of the preparations for the 50th Anniversary of the Battle of Ipo Dam on 19 May 1995. For this purpose, it shall have the following functions:

- (a) Formulate all the programs, projects and activities that shall be conducted in observance of the 50th Anniversary of the Battle of Ipo Dam;
- (b) Prepare the implementing guidelines for all the programs, projects and activities that shall be undertaken for the commemoration;
- (c) Orchestrate and coordinate the implementation of all the programs, projects and activities that shall be undertaken for the commemoration;
- (d) Source funds and prepare the budget which shall be required by the Committee in the discharge of its functions in accordance with existing accounting and auditing rules and regulations; and
- (e) Perform other tasks as may be given By the President.

SECTION 3. Operational Relationships. In the conduct of all programs, projects and activities in the observance of the 50th Anniversary of the Battle of Ipo Dam the Committee shall coordinate with the National Centennial Commission.

The Committee is also authorized to call upon the assistance of any department, bureau, agency, office and other instrumentality of the Government, as well as invite non-governmental organizations as it may deem necessary in the performance of its functions.

SECTION 4. Creation of Sub-Committees. The Committee may form sub-committees as it may deem necessary to effectively carry out its duties and responsibilities.

SECTION 5. Technical and Secretariat Support. The Department of National Defense shall provide technical, secretariat and administrative support to the Committee.

SECTION 6. Funding. The release of ONE MILLION PESOS (₱1,000,000.00) chargeable against the 1995 Contingent Fund provided under R.A. 7845, is hereby authorized to carry out the provisions of this Administrative Order. Any deficiency shall be charged against the regular budget of the participating agencies.

SECTION 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th day of April, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 186

**IMPOSING THE PENALTY OF DISMISSAL ON DIRECTOR MONICO M. CHAVEZ OF
FINANCE AND MANAGEMENT SERVICES, OFFICE FOR NORTHERN CULTURAL
COMMUNITIES (ONCC), FOR DISHONESTY AND GROSS MISCONDUCT.**

This refers to the administrative case of Mr. Monico M. Chavez, Director for Finance and Management Services, Office for Northern Cultural Communities (ONCC), for Dishonesty and Gross Misconduct.

Records show that, on September 23, 1991, a check numbered LP-129261-0 in the amount of ONE HUNDRED SEVENTY FIVE THOUSAND PESOS (P175,000.00) was issued for the Office for Northern Cultural Communities (ONCC), Region 03, in the name of Monico M. Chavez, who was then the Acting Regional Director. On September 24, 1991, Dir. Chavez authorized Ms. Johanna Ignacio (now Johanna Mambuay), an employee of the ONCC's Central Office, to encash the check at the Philippine National Bank, West Avenue, Quezon City Branch. Again on December 23, 1991, another check numbered LP-148688-D, in the amount of SEVENTY FIVE THOUSAND PESOS (P75,000.00) was similarly issued. In the same manner, Chavez authorized a certain Carmen P. Chavez to encash the check at the same bank.

The said amounts, which to this date remain unaccounted for, were intended for development projects, maintenance and operating expenses of the Office for Northern Cultural Communities, Region 03. For failure to submit an explanation or to account for the said funds, despite verbal and written notice to him, Dir. Chavez was administratively charged for Dishonesty and Gross Misconduct.

After having been notified of the charges against him, Dir. Chavez was directed to submit a detailed answer thereto, together with whatever evidence he may present in support of his side. He was also advised to avail of the services of a counsel and opt, if he so desires, for a formal investigation. Unable to comply therewith, Dir. Chavez, was nevertheless, afforded a formal investigation to determine whether or not he is administratively liable of the charges.

At the pre-trial conference, Dir. Chavez, acting as counsel for himself, admitted the charges against him and the evidence adduced by the ONCC Prosecutor and offered to return the funds on installment basis. Thus, with nothing else to determine other than Dir. Chavez's explanation for committing such omission or misconduct, the parties were ordered to submit their respective memoranda. Despite due notice, Dir. Chavez again failed to submit his memorandum.

Incidentally, Dir. Chavez claimed during the conference that he spent the said amounts for the Aetas displaced by the Mt. Pinatubo eruption; that, as a member of Task Force Mt. Pinatubo, he had requested the Department of Budget and Management (DBM) for the release of P632,000 for the expenses incurred; and, that, upon the release thereof, the fund sought to be recovered would be paid. However, the same failed to materialize as the DBM did not favorably act upon the said request.

Whereupon, an "Investigation Report" was forthwith submitted by the hearing officer stating, among others, that even if the funds requested by Dir. Chavez from the DBM were released, the same is of no moment and immaterial in the case and that Dir. Chavez' averment that he applied the missing

funds to assist the displaced Aetas and not for his personal benefit is untenable, in view of Article 217 of the Revised Penal Code, which provides that:

“the failure of a public officer to have duly forthcoming any public funds or property with which he is chargeable upon demand by any duly authorized officer, shall be prima-facie evidence that he has put such missing funds or property to personal uses”.

Considering that the said funds were in fact missing and not remitted nor entered in the accounts of ONCC-Region 03 and still remain unaccounted for to this date, Dir. Chavez’s offer to return the funds is only a mitigating circumstance and cannot exempt him from administrative or criminal liability.

Moreover, even if Dir. Chavez spent the missing funds for a worthy cause such as giving assistance to the Aeta victims of Mt. Pinatubo’s eruption, he is still liable for technical malversation because, according to the ONCC report, the said funds had been appropriated for specific public purposes and cannot just be diverted without proper authorization.

Finally, it was stated that even if there was no direct evidence or proof that Dir. Chavez applied the funds for his own personal benefit, he is still liable because, as an accountable officer, direct evidence of misappropriation is not necessary to sustain a conviction for malversation. Without satisfactory explanation, the evidence indicating that the funds are in fact missing is sufficient to hold an accountable officer liable therefor.

In his memorandum of December 12, 1994, ONCC Executive Director Ronald M. Cosalan requested confirmation of the order dismissing Dir. Chavez from the service for Dishonesty and Gross Misconduct.

Based on the foregoing facts and circumstances of the case in which I concur, Dir. Chavez has no justifiable or valid reason to exculpate himself from the responsibility of having caused the disbursements of the said amounts without proper authorization.

WHEREFORE, finding respondent Monico M. Chavez guilty as charged, he is hereby DISMISSED from the service.

DONE in the City of Manila, Philippines, this 18th day of April, in the year of our Lord nineteen hundred and ninety five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 187
CONSTITUTING A PHILIPPINE HOST COMMITTEE FOR THE 1995 MID-AMATEUR
INTERNATIONAL GOLF CHAMPIONSHIP

WHEREAS, the Philippines has successfully played host to major world conferences and international sporting events;

WHEREAS, the Philippines will host the 1995 Mid-Amateur International Golf Championship to be held at EVERCREST GOLF AND COUNTRY CLUB in Batulao, Batangas on 18 to 23 June.

WHEREAS, the Philippines has signified to host for the 1995 event and yearly thereafter, based on the fact that the country is one of the most exotic destinations in Asia with a rich culture, and warm and friendly people, and that the Philippines has experienced a golf boom over the last few years;

WHEREAS, the staging of the Mid-Amateur International Golf Championship will directly support the efforts of the tourism industry in projecting and promoting the Philippines as an ideal golf destination for international and local golf enthusiasts and tourists;

WHEREAS, the holding of the said golfing event will bring international prestige, publicity, goodwill, and economic benefits to the country.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. A Philippine Host Committee (PHC) headed by the Department of Tourism (DOT) together with its attached agencies, and the Republic of the Philippines Golf Association (RPGA), is hereby constituted to oversee and undertake all the necessary preparations for the 1995 Mid-Amateur International Golf Championship.

The Secretary of Tourism shall be the PHC Overall Chairman with the President of the RPGA as Co-Chairman.

SECTION 2. The PHC, through the DOT, is directed to coordinate with and assist the tournament organizers with respect to hosting requirements, particularly in the areas of but not limited to security, publicity and promotions, land and air arrangements, airport reception and facilitation and accommodations.

SECTION 3. All concerned government departments, agencies, and offices, including government-owned and controlled corporations, whose assistance will be sought by the PHC, are directed to extend their support and resources to the Mid-Amateur International Golf Championship.

SECTION 4. The amount necessary for the Mid-Amateur International Golf Championship including the operations of the PHC and its secretariat, working groups and advisory boards, shall come from sponsorships, donations, grants, contributions, proceeds from tournament-related activities, or any form of assistance from any private or government entities.

SECTION 5. The DOT is authorized to source funds from its trust liability account, pursuant to Section 3 of E.O. No. 46 (September 4, 1986) to cover the hosting fee to be incurred by the PHC.

SECTION 6. The PHC is authorized to open an account with a government bank in which income/proceeds from Section 3 & 4 above shall be deposited and disbursed in accordance with its accounting and auditing rules and regulations.

SECTION 7. The PHC shall be authorized to pay honorarium to those who will be involved with the Mid-Amateur International Golf Championship subject to existing accounting and auditing rules and regulations.

SECTION 8. The PHC through the DOT, PTA and PCVC, shall coordinate the effective implementation of this order.

SECTION 9. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 24th day of April, in the year of Our Lord, nineteen hundred and ninety five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 188
AMENDING ADMINISTRATIVE ORDER NO. 164, DATED DECEMBER 8, 1994

Administrative Order No. 164, entitled “Constituting A National Executive Committee For The Commemoration Of The 50th Anniversary of The Liberation of Baguio City On 28 April 1995,” is hereby amended by changing the date of the 50th Anniversary of the Liberation of Baguio City from 28 April 1995 to 27 April 1995.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 26th day of April, in the year of Our Lord, nineteen hundred and ninety five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 189
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION OF THE
97TH ANNIVERSARY OF PHILIPPINE INDEPENDENCE ON 12 JUNE 1995

Pursuant to the powers vested in me by law, I, FIDEL V. RAMOS, President of the Republic of the Philippines, do hereby create a National Committee Independence on 12 June 1995.

Section 1. The National Committee, which shall meet at the call of the Chairman, shall be composed of the following:

Secretary of Education, Culture and Sports	–	Chairman
Secretary of Interior and local Government	–	Co-Chairman
Secretary of Foreign Affairs	–	Member
Secretary of Finance	–	Member
Secretary of Public Works and Highway	–	Member
Secretary of Labor and Employment	–	Member
Secretary of National Defence	–	Member
Secretary of Trade and Industry	–	Member
Secretary of Tourism	–	Member
Secretary of Transportation and Communications	–	Member
Secretary of Science and Technology	–	Member
Secretary of Budget and Management	–	Member
Press Secretary	–	Member
Chief of Staff of the Armed Forces of the Philippines	–	Member
Director-General of the Philippine National Police	–	Member
Chairman, Government Service and Insurance System	–	Member
Head of Presidential Management Staff	–	Member
Chief of Presidential Protocol	–	Member
The Director-General, Philippine Information Agency	–	Member
Chairman of the Metropolitan Manila		
Development Authority	–	Member
Executive Director of the National Historical Institute	–	Member
Executive Director of the National Centennial Commission	–	Member
Executive Director of the National Commission		
for Culture and the Arts	–	Member
Six (6) Private Sector Representatives who shall be		
appointed by the National Committee Chairman	–	Member

Sec. 2. To assist the National Committee, an Executive Committee is hereby created, the members of which shall be designated by the Chairman of the National Committee.

Sec. 3. The National Committee Chairman is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations to extend all necessary assistance to the National and Executive Committees. These instrumentalities of government are hereby authorized to allocate from their respective funds, any amount which they may deem necessary to ensure the successful celebration of the 97th Anniversary of Philippine Independence, subject to the usual accounting and auditing rules and regulations.

Sec. 4. An initial fund in the amount of Four Million Pesos (P4,000,000.00) from the President's Contingent Fund shall be released for the event.

Sec. 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this **26th** day of April, in the year of our Lord, nineteen hundred and ninety-five.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **TEOFISTO T. GUINGONA, JR.**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 190

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 190 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 191

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 191 of Presidential Issuances of Fidel V. Ramos was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 192
CREATING A MULTI-SECTORAL/AGENCY TASK FORCE TO FORMULATE THE
COMPREHENSIVE EMPLOYMENT STRATEGY PROGRAM

WHEREAS, it is the policy of government to vigorously promote employment and provide job opportunities so as to bring down unemployment from 8.8% to 6.5%;

WHEREAS, the Medium Term Philippine Development Plan 1993-1998 has adopted the strategies of global competitiveness, people empowerment and sustainable development as the path to economic growth, poverty alleviation and human development;

WHEREAS, recent developments like the formation of ASEAN Free Trade Area (AFTA), Asia-Pacific Economic Cooperation (APC), and the World Trade Organization (WTO), among others, have given rise to opportunities for sustainable economic growth and full harnessing of its benefits for full employment generation; and,

WHEREAS, the reduction in the unemployment rate may be attained through the formulation of a Comprehensive Employment Strategy Program which shall, among others, rationalize employment policies, strategies and programs.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the formulation of the Comprehensive Employment Strategy Program.

SECTION 1. Creation of a Multi-Sectoral/Agency Task Force to Formulate the Comprehensive Employment Strategy Program. A Multi-Sectoral/Agency Task Force to Formulate the Comprehensive Employment Strategy Program, hereinafter referred to as the Multi-Sectoral/Agency Task Force, is hereby created.

SEC. 2. Composition. The Multi-Sectoral/Agency Task Force to be Chaired by the National Economic and Development Authority and Co-Chaired by the Department of Labor and Employment, shall have the representatives from the following agencies/sectors as members:

- a) Department of Trade and Industry;
- b) Department of Agriculture;
- c) Department of Agrarian Reform;
- d) Department of Interior and Local Government;
- e) Department of Budget and Management;
- f) Department of Foreign Affairs;
- g) Department of Transportation and Communications;
- h) Department of Science and Technology;
- i) Technological Education and Skills Development Authority;
- j) Presidential Adviser for Youth Affairs;
- k) Presidential Management Staff;

- l) Labor Sector (2 representatives);
- m) Employers Sector (2 representatives); and,
- n) Academe (1 representative).

All government agencies herein represented shall have as their permanent representative to the Multi-Sectoral/Agency Task Force an official with a rank not lower than Assistant Secretary and a permanent alternate with a rank not lower than a Director. Other members shall be designated by their respective organizations.

In the performance of its duties and responsibilities, the Multi-Sectoral/Agency Task Force shall consult with appropriate Committees of both the Senate of the Philippines and House of Representatives and with all other government agencies.

SEC. 3. Functions. The Multi-Sectoral/Agency Task Force shall have the following duties and responsibilities:

- a) Prepare the terms of reference (TOR) and methodology for the conduct of the study on the Comprehensive Employment Strategy Program, including timetables. The activities shall include consultation with concerned sectors and multi-sectoral groups;
- b) Undertake or cause the conduct and ensure the completion of the study following the approved terms of reference and methodology;
- c) Conduct initial multi-sectoral consultations on the results of the study, and institute appropriate amendments based on the results of the consultations;
- d) Present the final Comprehensive Employment Strategy Program to the President and during the Employment Summit to be held in August 1995.

The Multi-Sectoral Task Force/Agency may call upon any department, agency and government instrumentality to assist it in the performance of its duties and responsibilities.

SEC. 4. Secretariat Support. The National Economic and Development Authority shall provide technical and administrative support to the Multi-Sectoral/Agency Task Force.

The Multi-Sectoral/Agency Task Force may create such working groups as may be necessary.

SEC. 5. Completion of the Comprehensive Employment Strategy Program. The Comprehensive Employment Strategy Program shall be completed by the end of July 1995 and presented for consultation and finalization in the Employment Summit to be held in August 1995.

SEC. 6. Funding. Funds necessary for the attainment of the objectives of this Order shall be set aside by the Department of Budget and Management from the contributions of member agencies, as may be agreed upon by the Multi-Sectoral/Agency Task Force.

SEC. 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 23rd day of May, in the year of Our Lord Nineteen Hundred and Ninety Five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) RUBEN D. TORRES
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 193

**CREATING A MINDANAO PEACE AND DEVELOPMENT MULTI-SECTORAL/AGENCY
TASK FORCE TO PURSUE THE RECOMMENDATIONS ARISING FROM THE MINDANAO
LEADERS MEETINGS**

WHEREAS, it is the objective of this administration to strengthen partnership between the government and the private sector in Mindanao in pursuit of lasting peace and development;

WHEREAS, a Mindanao Leaders Meeting was held in Zamboanga City on 21 May 1995 to recommend appropriate actions of government and non-government sectors in responding to the peace and development programs in Mindanao, formulate area-based action plans for continuing dialogues, and forge a commitment of partnership in pursuing peace and development in Mindanao; and

WHEREAS, there is need for a multi-sectoral/agency consultative body to pursue the recommendations arising from the Mindanao Leaders Meeting and prepare for other similar meetings in the future.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the creation of a Mindanao Peace and Development Multi-Sectoral/Agency Task Force.

SECTION 1. COMPOSITION. The Task Force, to be chaired by the Executive Secretary with the Presidential Assistant for Mindanao as Vice Chairman, shall have representatives from the following agencies/sectors as members:

- a) Department of Interior and Local Government
- b) Department of Education, Culture and Sports
- c) Department of National Defense
- d) Department of Budget and Management
- e) Presidential Adviser for the Peace Process
- f) Presidential Adviser for Youth Affairs
- g) ARMM Regional Government
- h) National Security Council
- i) Office of the Press Secretary
- j) Office for Muslim Affairs
- k) Religious Sector
- l) Business Sector
- m) Indigenous Peoples
- n) Basic Sectors

The Chairman shall designate the representatives from the non-government sector.

SEC. 2. FUNCTIONS. The Mindanao Peace and Development Multi-Sectoral/Agency Task Force shall have the following duties and responsibilities:

- a) Review and ensure implementation of the recommendations arising from the First Mindanao Leaders Meeting (21 May 1995) and succeeding similar meetings;
- b) Formulate a comprehensive action plan to pursue the recommendations arising from the Meetings;
- c) Undertake consultations with concerned sectors on the action plan;
- d) Organize and provide staff support to similar Leaders Meetings in other parts of Mindanao; and
- e) Undertake such other duties and responsibilities as may be instructed by the President.

The Task Force may call upon any government department, agency, instrumentality to assist in the performance of its duties and responsibilities.

SEC. 3. SECRETARIAT. The Office of the Presidential Adviser for the Peace Process shall provide technical and administrative secretariat support to the Task Force.

SEC. 4. REPORT TO THE PRESIDENT. The Task Force shall submit the comprehensive action plan arising from the Leaders Meetings within 30 days after each Meeting.

SEC. 5. EFFECTIVITY. This Administrative Order shall take effect immediately.

DONE, in the City of Manila this 23rd day of May, in the year of Our Lord Nineteen Hundred and Ninety-Five.

(Sgd.) **FIDEL V. RAMOS**

By the President:
(Sgd.) **RUBEN D. TORRES**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 194
PROVIDING FOR THE ADOPTION OF THE SOCIAL REFORM AGENDA CONVERGENCE
POLICY AND ITS OPERATIONALIZATION, AND FOR OTHER PURPOSES

WHEREAS, the Social Reform Agenda (SRA) intends to improve access to quality basic services; accelerate asset reform and sustainable development of productive resources; and allow greater access to economic opportunities; and strengthen institution-building and participation in governance of Basic Sectors in the 19 priority provinces and other priority geographic areas, as embodied in Memorandum Order No. 213 dated June 17, 1994;

WHEREAS, during the conduct of their respective Provincial Social Reform Summits, the 19 priority provinces accepted and committed their participation in adopting the SRA as an approach to their accelerated and comprehensive development and in providing resources funding for its accomplishment and implementation;

WHEREAS, the SRA has defined convergence as the focusing and synchronization of resources, services and interventions by SRA Flagship Programs and other agencies/entities on specific target families and communities, using the Minimum Basic Needs (MBN) Approach as the strategy for convergence, and providing for multi-level, multi-sectoral and inter-agency coordination and consultation, as embodied in Proclamation No. 548;

WHEREAS, there is a need to translate SRA objectives and policies into a single, unified action plan directing all Flagship Champions, other National Government Agencies, Local Government Units and other entities, primarily to operationalize the SRA Convergence Policy, but more importantly, to provide a common direction to the government bureaucracy, thus energizing it and making it more effective in its poverty alleviation efforts in the 19 priority provinces and other priority geographic areas;

WHEREAS, specific focal points within these 19 priority provinces and other priority geographic areas have been identified as Convergence Areas, taking into consideration the respective Sector's demand for Basic Reform Commitments to address their specific needs;

WHEREAS, the successful and effective implementation of the SRA Convergence Policy will lead to a rapid and qualitative improvement in the levels of well-being of the disadvantaged sectors and communities in Convergence Areas, as well as enhance the overall national competitiveness of the country;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the adoption of the ensuing provisions for the operationalization of the Social Reform Agenda Convergence Policy.

SECTION 1. All National Government Agencies, including Government Owned and Controlled Corporations and Government Financial Institutions, and Local Government Units are hereby directed to take appropriate steps to implement the Social Reform Agenda (SRA) Convergence Policy, within the parameters of the Implementing Guidelines for the Operationalization of the SRA Convergence Policy (IGO-SRA) issued by the Social Reform Council.

SEC. 2. To effect immediate implementation and ensure a baseline for the monitoring of progress of operationalization of the SRA Convergence Policy, Flagship Champions and Convergence Lead Agencies are hereby directed to coordinate and synchronize the preparation of socio-economic profiles for each of the identified specific Convergence Areas in partnership with other Government Agencies and Local Government Units.

a. The socio-economic profiles shall follow a format included in the IGO-SRA. Profiles, as much as possible must come from primary sources, and in case of their non-availability, may come from secondary sources. This will serve as baseline for measuring movements in the levels of well-being of sectors and communities in the Convergence Areas.

b. The baseline socio-economic profiles shall be submitted to the Social Reform Council (SRC) Secretariat not later than 30 June 1995, with refinements and updating likewise submitted periodically.

SEC. 3. The Office of the Press Secretary through the Philippine Information Agency (PIA) is hereby directed to formulate a National Communication and Advocacy Program regarding the SRA Convergence Policy in coordination with the SRC Secretariat, the Foreign Information Council, other National Government Agencies, Government Owned and Controlled Corporations, Government Financial Institutions, Local Government Units and identified key private sector partners, with the view of harmonizing all communication and advocacy programs with a bearing on the Social Reform Agenda. Flagship Champions and Convergence Lead Agencies shall plan, implement and periodically review and refine, as necessary, their respective information programs in accordance with this National Communication and Advocacy Program.

SEC. 4. National Government Agencies and Local Government Units are hereby directed to issue necessary operational directives or issuances supportive of the provisions of the SRA Convergence Policy as embodied in Proclamation No. 548 and the provisions of IGO-SRA, in close coordination with the SRC Secretariat to ensure consistency.

SEC. 5. Convergence Lead Agencies and Local Government Units, in coordination with the SRC Secretariat, shall conduct periodic monitoring and evaluation of the implementation of the SRA Convergence Policy. Periodic assessments shall be undertaken every six months, and provisions of the IGO-SRA may be refined as the need arises to better respond to changing conditions in Convergence Areas.

SEC. 6. The funding for the programs, projects and activities to implement this Order shall come from: (a) the agencies of the Flagship Champions and the Convergence Lead Agencies; and (b) the President's Contingent Fund and any other Fund as the President may authorize. This shall be in close coordination with the Department of Budget and Management and the SRC Secretariat, subject to availability of funds and the usual accounting and auditing rules and regulations. The SRC Secretariat may prepare appropriate additional guidelines for this purpose.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed to this Order.

DONE in the City of Manila, this 30th day of May, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) RUBEN D. TORRES
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 195
AUTHORIZING THE GRANT OF AN INTEREST-FREE LOAN TO GOVERNMENT
PERSONNEL IN CY 1995 AND YEARS THEREAFTER

I, **FIDEL V. RAMOS**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1.0 PURPOSE

This Administrative Order is issued to allow government personnel to exercise the option to avail of an interest-free loan not exceeding one-half (1/2) of the amount of the Year-End Bonus and Cash Gift authorized under RA 6686 which shall be deducted from the full amount of the Year-End Bonus and/or Cash Gift accruing to the official or employee concerned in CY 1995 and years thereafter.

2.0 COVERAGE

2.1 All appointive government personnel under regular, temporary or casual status, and contractual personnel whose employment is in the nature of a regular employee, who are still in the service as of May 15 of each year and:

2.1.1 have rendered at least a total of four (4) months including leave of absence with pay in the government from January 1 to May 15 of the same year; and

2.1.2 on approved leave without pay but have rendered at least a total of four (4) months of service from January 1 to May 15 of the same year, provided they are not yet dropped from the rolls.

3.0 EXEMPTION

The following government personnel shall not be allowed to avail of the loan authorized herein:

3.1 those who are under preventive suspension as of May 15 of the year the benefit is given unless exonerated;

3.2 those who are absent without leave (AWOL) as of May 15 of each year;

3.3 those who are formally charged in administrative cases and/or meted penalties as of May 15 of each year, and thereafter, during the year the benefit is given. Accordingly, those with pending cases as clarified under Budget Circular No. 5-A, dated December 16, 1994, are only disqualified to avail of the said benefit during the first year of the pendency of the case; and

- 3.4 those who may have four (4) months or more of government service but are no longer in the service as of May 15 of each year or those whose government service ends before October 31 of each year due to retirement/resignation/separation or for whatever reasons.

4.0 RULES AND REGULATIONS

- 4.1 Officials and employees who availed of the loan herein authorized but later have been found to be exempted from the coverage of this Circular shall be required to pay the same through payroll deduction within three (3) months from the date of such exemption. For this purpose, the head of the agency concerned and such other officials/employees who took part in the grant of the loan shall cause the deduction of the above from any benefit, including the last salary, due the official/employee whose government service ends before October 31.
- 4.2 The loan of officials and employees who are on full-time or part-time detail with another government agency or special project shall be drawn from their respective mother agency. In the case of those who are paid from project funds, the loan shall be drawn from the same source where they draw their salaries. No one shall exercise the option under this Order from more than one source.
- 4.3 Official and employees who are employed on a part-time basis are entitled to the loan provided herein corresponding to the basic salary he is actually receiving and a pro-rata amount of the P1,000.00 Cash Gift. Those who, by the nature of their employment, are on part-time service with two (2) different agencies, where part-time service in one agency is equivalent to one-half day service, shall be entitled to an amount for the corresponding one-half day service, in each agency, provided that the total loan shall not exceed the equivalent amount provided in this Order.
- 4.4 The loan under this Order of officials or employees who transferred from one agency to another shall be granted by their new Office.

5.0 RELEASE OF FUNDS

- 5.1 The Department of Budget and Management is hereby directed to release the necessary funds to concerned government agencies out of the amounts provided for the year-end benefits in the Annual General Appropriations Act (GAA).
- 5.2 Agencies, however, may use whatever cash available from their Common Funds for the purpose herein authorized without waiting for the receipt of the Special Allotment Release Order and Notice of Cash Allocation for the purpose.

6.0 FUNDING SOURCE

- 6.1 In the case of national government agencies, the amounts required shall be charged against the approved appropriations for the purpose under the annual General Appropriations Act (GAA).
- 6.2 In the case of government-owned and/or -controlled corporations and government financial institutions (GFIs), the amounts required shall be sourced fully from their respective corporate funds.
-

6.3 In the case of local government units, the amounts required shall be sourced fully from their respective local funds.

7.0 RESPONSIBILITY OF THE HEAD OF AGENCY

The heads of concerned government agencies shall be held responsible and personally liable for any grant of loan herein authorized not in accordance with the provisions of this Order, without prejudice, however, to the refund of any excess payment by the official or employee concerned.

8.0 PROHIBITION AGAINST PAYMENT OF ADDITIONAL BENEFITS

Agencies are hereby prohibited from granting additional benefits other than those authorized under this Order. Consequently, all administrative authorizations to grant any or other forms of benefits or other similar compensation in CY 1995 and thereafter which partake the nature of year-end bonus and cash-gift that are inconsistent with the declared policy on the matter shall be rendered nugatory and unenforceable.

9.0 RESOLUTION OF CASES

Cases not covered by the provisions of this Order shall be submitted to the Secretary of Budget and Management for appropriate evaluation and resolution.

10.0 EFFECTIVITY

This Order shall take effect immediately.

DONE in the City of Manila this 30th day of May, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) RUBEN D. TORRES

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 196

**CONSTITUTING A PRESIDENTIAL COMMITTEE FOR THE ESTABLISHMENT OF THE ASIA
PACIFIC ECONOMIC COOPERATION (APEC) CENTER FOR TECHNOLOGY EXCHANGE
AND TRAINING FOR SMALL AND MEDIUM ENTERPRISES (SMEs)**

WHEREAS, APEC leaders, including the President, have pledged during their informal meeting at Blake Island, Seattle, United States of America, on 20 November 1993, to take initiatives and to pursue concrete economic cooperation projects that will yield tangible benefits to the APEC region;

WHEREAS, there is a need for a system for exchange of information, experience and expertise in trade and technology among APEC members to facilitate the establishment of better business ties among businesses, in particular small and medium scale enterprises, in the region;

WHEREAS, cognizant of this need, the President had, during the said APEC meeting, expressed the initiative to establish and operationalize a resource center to be known as the APEC Center for Technology Exchange and Training for SMEs (the Center) which shall, among others, collate and disseminate market information, establish linkages and networks, provide training and promote technology transfer among nationals and SMEs of APEC member economies; and

WHEREAS, groundbreaking ceremonies for the Center at the Science Park, UP Los Baños, Laguna were already held on 13 February 1995 and announced by the Philippine Government at the APEC Senior Officials meeting in Fukuoka, Japan held on 13 to 16 February 1995.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby constitute a Presidential Committee to formulate policies to guide and coordinate efforts towards the establishment and operation of the Center in accordance with the Ministerial declarations and pronouncements of APEC Economic Leaders.

The Committee shall be composed of the heads, or the duly authorized permanent representatives thereof, of the following:

Department of Trade and Industry	–	Chairman
Department of Foreign Affairs	–	Vice-Chairman
Department of Science and Technology	–	Member
Department of Labor and Employment	–	Member
Department of Agriculture	–	Member
Department of Health	–	Member
Department of Environment and Natural Resources	–	Member
University of the Philippines	–	Member
Philippine Chamber of Commerce and Industry	–	Member
Philippine Exporters Confederation, Inc.	–	Member

To carry out its task, the Committee shall be authorized to establish or organize working groups or subcommittees to, among others, address the technical issues that may arise in operationalizing the Center, oversee the disposition of its funds, and provide administrative and secretariat support.

The Committee shall, in coordination with the Department of Budget and Management, study and identify the appropriate sources and the amount of the funds to effectively undertake its functions.

In the discharge of its functions and responsibilities, the Committee may call upon any government agency or local government unit for assistance.

This Order shall take effect immediately.

DONE in the City of Manila, this 9th day of June, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **RUBEN D. TORRES**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 197

AMENDING ADMINISTRATIVE ORDER NO. 136, "AMENDING ADMINISTRATIVE ORDER
NO. 7, "CREATING THE PHILIPPINE COUNCIL FOR ASEAN COOPERATION,"
(AS AMENDED)

WHEREAS, Administrative Order No. 136 dated 12 July 1994 expanded the Philippine Council on ASEAN Cooperation (PCAC) to cover APEC and EAEC concerns, renaming it to be the Philippine Council for ASEAN and APEC Cooperation (PCAAC);

WHEREAS, the Philippine Council for ASEAN and APEC Cooperation (PCAAC) is the inter-agency coordinating body for the formulation and implementation of policies towards the ASEAN and APEC;

WHEREAS, issues related to the environment and sustainable development have increasingly become vital global concerns, especially in both the ASEAN and the APEC, prompting the declaration of the period January 1, 1995 to December 31, 2005 as Philippine Environment Decade in Proclamation No. 522 dated 9 January 1995;

WHEREAS, there is a need to enhance the nation's regional strategic position on matters pertaining to the environment and sustainable development in a high-level forum for strategic policy-thinking;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order the inclusion of the Department of Environment and Natural Resources in the Cabinet-Level PCAAC.

This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 13th day of June, in the year of Our Lord nineteen hundred and ninety-five.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **RUBEN D. TORRES**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 198
CREATING A PROJECT COORDINATING COMMITTEE TO IMPLEMENT THE PHILIPPINE
SUPPLEMENT OF THE SCIENTIFIC AMERICAN JOURNAL

WHEREAS, the government fully recognizes the role of science and technology in economic development;

WHEREAS, there is an imperative need to promote the Philippines as a site of investment for technology-intensive industries;

WHEREAS, the Scientific American Journal is an excellent medium for the promotion of the country's science and technology program;

WHEREAS, the publication of a Philippine supplement in the Journal will provide a positive image of the S&T base on selected areas and the favorable experience of technology-intensive industries which have been able to achieve excellence and world class operations in the Philippines;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby direct and order, as follows:

SECTION 1. A Project Coordinating Committee (PCC) to implement the Philippine supplement of the Scientific American Journal is hereby created which shall be composed of the following:

Chairman	:	Secretary, Department of Science and Technology (DOST)
Members	:	Secretary, Department of Trade and Industry (DTI)
		Secretary, Department of Foreign Affairs (DFA)
		Secretary, Department of Tourism (DOT)
		Former Secretary Roberto Romulo
		President, Philippine Chamber of Commerce and Industry

SEC. 2. The PCC is authorized to draw and use any funds available from their respective budgets not to exceed a total of **TEN MILLION PESOS (₱10,000,000.00)** to defray the cost of the project; provided however, that the private sector may contribute such amount of funds to supplement or increase the fund.

SEC. 3. The PCC shall prepare the necessary guidelines to ensure the effective implementation of this Order.

SEC. 4. The PCC shall submit a monthly report to the Office of the President and a final report upon completion of the project.

SEC. 5. All existing issuances inconsistent herewith are hereby repealed or amended accordingly.

SEC. 6. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of June, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) RUBEN D. TORRES
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 199
CREATING AN INTER-AGENCY TASK FORCE TO PREPARE AND IMPLEMENT A
COMMUNICATION PLAN ON AN OIL PRICE INCREASE

WHEREAS, the three major oil companies in the country have filed their petition for increase in prices of oil products and the Energy Regulation Board may have to grant these petitions to replenish the Oil Price Stabilization Fund (OPSF) which has been depleted by the rising prices of crude oil in the world market.

WHEREAS, any increase in the prices of oil and oil products offers a host of potentially-damaging but unwarranted political and economic repercussions.

WHEREAS, there is an urgent need for the government to implement a coherent and synchronized public communication strategy to:

- a) Inform and educate the public on the rationale to raise oil prices not for anything else but to reflect international realities beyond government control.
- b) Prevent unscrupulous elements from riding on the backlash of public opinion against the increase.
- c) Ensure the understanding of media on the necessity of increasing the price of oil.
- d) Prevent unwarranted increases in the prices of basic commodities which may trigger economically-destabilizing demands for wage increases.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SECTION 1. Creation of the Inter-Agency Task Force on the Oil Price Increase. There is hereby created an Inter-Agency Task Force (hereinafter referred to as the Task Force), to prepare and implement a communication plan on the oil price increase.

SEC. 2. Composition. The Task Force shall be chaired by the Executive Secretary with the following as members:

- a) National Economic and Development Authority
- b) Department of Energy
- c) Department of Trade and Industry
- d) Department of Transportation and Communications
- e) Department of Finance
- f) Department of Agriculture
- g) Department of Labor and Employment
- h) Office of the Press Secretary
- i) Philippine Information Agency
- j) Land Transportation Franchising and Regulatory Board

SEC. 3. Powers and Functions. The Task Force shall undertake the following, among others:

- a) Prepare, translate to vernacular and distribute nationwide the Primers on Oil Price Increase which shall serve as the main source of information for the public as well as reference material for resource persons for different fora;
- b) Conduct nationwide dialogues/consultations with different sectors, particularly labor, consumer and business groups;
- c) Consult and coordinate with Congress through the Legislative-Executive Development Advisory Council;
- d) Enlist support of the different sectoral groups in the government-private sector cooperation schemes to safeguard public interest against unscrupulous elements which may take advantage of the situation;
- e) Mobilize all government agencies and local government units in the implementation of the communication plan;
- f) Direct all government agencies and instrumentalities to make their participation in this campaign a priority or an urgent concern, as well as actively take part in information-sharing on this issue.

Other government agencies or personalities not directly involved in this campaign may be requested to extend assistance in various forms, such as the provision of transport facilities and material resources, as well as designation of agency representatives as resource persons on the oil price increase issue.

All agencies and instrumentalities of government are enjoined to give priority to the activities of the Task Force. They are also instructed to provide all pertinent information and statistics to the Task Force.

The Task Force shall report to the President and the Cabinet every Cabinet Meeting.

This Memorandum Order shall take effect immediately.

DONE, in the City of Manila, on this 20th day of June, in the Year of Our Lord, nineteen hundred and ninety-five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) RUBEN D. TORRES

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 200
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF
ALL BENEFITS UNDER THE LAW OF EDUARDO D. FABIAN, 3RD ASSISTANT PROVINCIAL
PROSECUTOR OF RIZAL

This refers to the administrative complaint filed by the Department of Justice against 3rd Assistant Provincial Prosecutor Eduardo D. Fabian of Rizal for gross neglect of duty, gross inefficiency and violation of Department Circulars.

It appears that respondent has, more or less, 106 unresolved cases, ninety-two (92) of which were not resolved within the 60-day prescribed period and another fourteen (14) cases which remain unresolved despite directives from the Provincial Prosecutor of Rizal in violation of Department Circular Nos. 36 and 49, series of 1991 and 1993, respectively.

In answer to this charge, respondent claims that as of June 1994 his remaining unresolved cases are only 73 and not 106; that he has no 1991 and 1992 unresolved cases particularly those dated 21 October 1991, 01 December 1991 and 16 January 1992; that these cases are supposed to be reconstituted cases but were not reconstituted at all for failure of the parties to appear and submit their reconstituted documents for preliminary investigation; that this reconstitution was necessary because of the destruction of the records when a fire razed the Prosecution Office in Cainta on May 9, 1992; that after the fire, the Prosecution Office in Cainta held office under an improvised shade; that he rescheduled the continuation of the preliminary investigation after the municipal government shall have relocated them; that he instructed the parties to submit reconstituted affidavits and counter-affidavits; that the cases of those parties who complied with this instruction were resolved in due course but some parties did not return to pursue their complaints; that as of November 25, 1994, he had nine (9) unresolved 1993 cases and that of the number of cases mentioned in the charge sheet, thirty-three (33) remain unresolved; that he assisted in the preparation and filing of cases for reconstitution and this takes much of his time even on Saturdays; that he attends to court hearings three (3) times a week in Cainta and also holds office and conducts preliminary investigation in Pasig and his time is eaten up by the notorious traffic situation along Ortigas Avenue; that he was also assigned to the Regional Trial Court, Branch 166 in Pasig, a special court wherein he has to study the transcript of records for a better understanding of the case considering that he came in midstream after two or three prosecutors; that he also took over court reinvestigation cases; that he was not able to resolve all the old cases as he had to resolve the new cases within the prescribed deadline; that he also suffers from asthma and had been on sick leave of absence for seven (7) days in May, 1994; that in April, 1994 he applied for a vacation leave of absence for the period June 20 to July 1, 1994 but it turned out to be a sick leave as he again got sick on said period; that on October 27, 1994 he applied for twenty (20) days leave of absence so as to concentrate on resolving the cases assigned to him, to be either antedated or postdated to conform to official duties, but the application was not approved; that he was not neglectful of his work but the circumstances he described was the cause of the delay in his resolution of the cases assigned to him; that he asks for a second chance to recover and if not, be allowed to resign.

Respondent waived his right to a formal investigation.

A careful evaluation of the evidence on record shows that the respondent had several unresolved cases as of June, 1994 per his admission but offered excuses thereto.

The first is his court duties and reinvestigation cases. This is not a peculiar function assigned to respondent prosecutor. Other prosecutors all over the country also attend to hearings before the Regional Trial Court and Metropolitan/Municipal Trial Courts, receive cases for reinvestigation and attend to preliminary investigations, in addition to handling cases referred by other offices like the Office of the Solicitor General, the Ombudsman, the COMELEC, the Commission on Human Rights and sometimes, the local government units. Still, they are able to resolve cases assigned to them for preliminary investigations within the period prescribed under existing circulars of the Department of Justice.

Second excuse is the traffic situation in the metropolis. This is not only a problem of respondent. This is a social issue. A resident in Metro Manila or one who has to transact business in Metro Manila will in some way face this problem. It is how we prioritize our daily activities that can help us respond to this problem.

Third is his health condition. Suffice it to say that there are privileges given to government workers and the availment thereto would make respondent an effective and efficient worker.

Fourth is that some of these unresolved cases were supposed to be reconstituted cases but were not reconstituted by the parties. It must be noted that the reason for the reconstitution is the fire that razed the municipal hall of Cainta, Rizal, including the Prosecution Office thereat. But this fire broke out on May 9, 1992 only and if these “supposed reconstituted cases” dated 21 October 1991, 01 December 1991 and 16 January 1992 (paragraph 6, Answer Affidavit) were resolved within the period prescribed under Department rules and circulars, these would have been either dismissed for lack of probable cause or already filed in court for trial. In this situation, the parties to these cases cannot be blamed if they did not appear for the reconstitution which the respondent prosecutor scheduled. The circumstances point to the glaring fact that they lost interest in the prosecution of their complaint, resulting to a loss of confidence in the administration of justice.

Sad to note also that respondent prosecutor categorically admitted (par. 22, Answer Affidavit) that he applied for leave of absence just to resolve these overdue cases to be either “ante-dated or post-dated to conform” to his “official office records”. This is plain dishonesty.

Finally, respondent prays for compassion and asks for a “second chance” or be allowed to resign. His record file shows that there was a first incident of a similar nature in 1989.

Harsh as it may seem, the law should take its course for the best interest of the public. The respondent prosecutor by his inaction committed a palpable and flagrant breach of duty. This subverts the ends of justice and amounts to gross neglect of duty. This being the second time, respondent prosecutor merits a strict administrative sanction.

WHEREFORE, premises considered, respondent **EDUARDO D. FABIAN**, 3rd Assistant Provincial Prosecutor of Rizal is hereby found liable for gross neglect of duty, gross inefficiency and violation of Department Circulars. Consequently, his dismissal from the service with forfeiture of all benefits under the law is hereby imposed.

DONE in the City of Manila, this 26th day of June, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) RUBEN D. TORRES
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 101 - 200]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 201

PROVIDING FOR THE COORDINATION MECHANISM AND FUNDING FOR THE IMPLEMENTATION OF THE MONITORING, CONTROL, AND SURVEILLANCE FOR THE CONSERVATION AND PROTECTION OF RENEWABLE RESOURCES (MCS-CPRR) SYSTEM FOR THE REPUBLIC OF THE PHILIPPINES

WHEREAS, the conservation and protection of the renewable resources and their habitat in the Philippine waters has become a major government concern due to the continued illegal, unauthorized, and damaging fishing practices by both external and internal participants;

WHEREAS, the Monitoring, Control, and Surveillance for the Conservation and Protection of Renewable Resources (MCS-CPRR) System, although initially focusing on fisheries and their habitat, was also designed to address many of the oceans and coastal surveillance concerns in support of inter-agency coastal vigilance priorities;

WHEREAS, the MCS-CPRR System has been designed to promote cost-effective coordination of inter-agency resources for ocean sector sovereignty, national security for future food security, and conservation purposes, through the establishment of national and regional MCS-CPRR Coordinating and Operating Centers;

WHEREAS, the management of the coast areas has been devolved to the municipalities;

WHEREAS, there is an urgent need to establish a coordinating mechanism and secure funding for the implementation of the MCS-CPRR System to address their fisheries and ocean conservation and security needs;

WHEREAS, the Cabinet Committee on Maritime and Ocean Affairs (CabCom-MOA) was created to address all activities in the ocean sector;

WHEREAS, the Department of Agriculture (DA) through the Bureau of Fisheries and Aquatic Resources (BFAR) is mandated to manage the fisheries resources of the Philippines.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, do hereby order as follows:

SECTION 1. The Cabinet Committee on Maritime and Ocean Affairs (CabCom-MOA) shall coordinate the establishment of the mechanism to aid in the implementation of the Monitoring, Control, and Surveillance for the Conservation and Protection of Renewable Resources (MCS-CPRR) System as recommended in the recent MCS-CPRR Design Project in the municipal pilot areas and the economically important offshore areas of Palawan, Batanes, and Cagayan, and the East ASEAN Growth Area (EAGA), said implementation being in support of the National Marine Policy.

SECTION 2. The CabCom-MOA shall establish the mechanism for joint funding of the implementation of the MCS-CPRR System from all agencies involved in maritime affairs, said implementation in the designated pilot areas to be completed by June 1997

SECTION 3. The DA shall be designated as the implementing agency for the establishment and operations of the MCS-CPRR System for the Philippines.

SECTION 4. The CabCom-MOA shall monitor the implementation of the MCS-CPRR System for the purpose of developing the action plan for the expansion of this system in the rest of the Philippine waters, said plan to be completed by December 1997.

SECTION 5. This Order shall take effect immediately.

Done in the City of Manila, this 5th day of July, in the year of Our Lord, nineteen hundred and ninety five.

(Sgd.) **FIDEL V. RAMOS**

By the President:

(Sgd.) **RUBEN D. TORRES**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 201 - 300]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 202

FURTHER AMENDING ADMINISTRATIVE ORDER NO. 123, DATED APRIL 4, 1989 AS
AMENDED BY ADMINISTRATIVE ORDER NO. 125, DATED APRIL 21, 1989

WHEREAS, science and technology has a critical role in the attainment of our country's industrialization goal and socio-economic development;

WHEREAS, the Science and Technology Master Plan (STMP) which was approved by the Science and Technology Coordinating Council (STCC) provided the strategies and directions for science and technology development and utilization;

WHEREAS, to pursue these strategies and directions, there is a need to enhance the representation of the government, private sector and academe in the STCC;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the amendments of Administrative Order No. 123 dated April 4, 1989 as amended by Administrative Order No. 125 dated April 21, 1989, entitled "Constituting the Science and Technology Coordinating Council," as follows:

SECTION 1. Section 1 of Administrative Order No. 123 as amended by Administrative Order No. 125 is further amended to read as follows:

"Section 1. **Composition.** The Science and Technology Coordinating Council (STCC) shall be composed of the following:

- | | |
|---------------|--|
| Chairman | – Secretary of the Department of Science and Technology (DOST) |
| Vice-Chairmen | – Representative of the private sector |
| | – Representative from private educational institutions |
| Members | – Secretary of the Department of Foreign Affairs (DFA) |
| | – Secretary of the Department of Agriculture (DA) |
| | – Secretary of the Department of Education, Culture and Sports (DECS) |
| | – Secretary of the Department of National Defense (DND) |
| | – Secretary of the Department of Health (DOH) |
| | – Secretary of the Department of Trade and Industry (DTI) |
| | – Secretary of the Department of Environment and Natural Resources (DENR) |
| | – Secretary of the Department of Transportation and Communications (DOTC) |
| | – Director-General of the National Economic and Development Authority (NEDA) |

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- Chairman of the Commission on Higher Education (CHED)
 - Seven (7) Representatives from the Private Sector
 - One (1) Representative from Public Educational Institutions

The members of the Council may designate their duly authorized representatives. Such designated representatives shall have full powers to vote for and act for, and in behalf of their principals, in any action to be taken by the Council unless their designated provides otherwise.

Other heads of executive agencies, private organizations or individuals can be called upon by the Council to attend any Council Meeting and assist the Council to resolve issues and problems that concern their respective offices.”

SEC. 2. Section 2 of A.O. 123 is hereby amended to read as follows:

“Sec. 2. *Powers and Functions.* The Council shall:

- a. Act as a science and technology advisory body to the President;
- b. Formulate science and technology policies and programs;
- c. Coordinate the science and technology activities of departments, agencies, academe, business sector, non-government organization and people’s organization and oversee allocation of science and technology funds including research and development budget of government departments, agencies and state colleges and universities to accelerate science and technology development and utilization in accordance with the STMP and related plans;
- d. Institute appropriate measures to update, revise and enhance the STMP and related plans;
- e. Recommend to Congress legislation on science and technology; and
- f. Perform such other functions as maybe assigned by the President.”

SEC. 3. Section 3 of A.O. 123 is hereby amended to read as follows:

“Sec. 3. *Technical Working Group and Secretariat.* The Council shall be assisted by a technical working group composed of technical staff from each member organization/sector of the Council and a secretariat based in the Department of Science and Technology (DOST) headed by the Secretary of STCC designated by the Chairman of the Council.”

SEC. 4. Section 4 of A.O. 123 is hereby amended to read as follows:

“Sec. 4. *Meetings of the Council.* The Council shall meet quarterly; *provided, however,* that the Chairman may convene the Council anytime whenever he deems it necessary. A special meeting shall be convened every last quarter of the year to be presided by the President.”

SEC. 5. Section 5 of A.O. 123 is hereby amended to read as follows:

“Sec. 5. *Funding*. The activities and operational expenses of the Council shall be funded from the DOST budgetary appropriations.”

SEC. 6. Section 6 of A.O. 123 is hereby amended to read as follows:

“Sec. 6. The Council shall submit an annual report to the President and Congress.”

SEC. 7. A new Section 7 is hereby incorporated to read as follows:

“Sec. 7. *Mode of Selection of Private Sector Representatives*. The President shall appoint the private sector representatives, who are not ex-officio members, upon nomination of the accredited organizations, ensuring balanced representation from Luzon, Visayas, Mindanao and various sectors such as the agri-business, manufacturing and services sector.

The private sector representatives of the Council shall serve for a period of three (3) years; *provided, however*, that when a vacancy arises due to the resignation, death or incapacity of a member, a replacement shall be appointed By the President who shall serve for the unexpired term of office.

SEC. 8. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 5th day of July, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:
(Sgd.) RUBEN D. TORRES
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1995). *[Administrative Order Nos.: 201 - 300]*. Manila: Malacañang Records Office.



President Fidel V. Ramos trooping the line at the Philippine Military Academy
in Baguio City, March 16, 1997.

